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Second Session, 1939

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BENGAL LEGISLATIVE COUNCIL.

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Begum HAMIDA MOMIN.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur.

Mr. E. C. ORMOND.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

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The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of the Departments of Local Self-Government and Industries.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar, in charge of the Department of Communications and Works.

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The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Department.

The Hon'ble Mr. PRASANNA DEB RAIKUT, in charge of the Forest and Excise Departments.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK, in charge of the Co-operative Credit and Rural Indebtedness Department.

The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of the Departments of Public Health and Medical and Agriculture and Veterinary.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

1. Ahmed, Mr. Nur. [Chittagong Muhammadan (Rural).]
2. Ahmad, Khan Bahadur Naziruddin. [Burdwan Division Muhammadan (Rural).]
3. Ahmed, Mr. Mesbahuddin. [Bengal Legislative Assembly.]

B

4. Baksh, Mr. Kader. [Bengal Legislative Assembly.]
5. Banerjee, Rai Bahadur Keshab Chandra. [Dacca Division North General (Rural).]
6. Barua, Dr. Arabinda. [Chosen by the Governor.]
7. Bose, Rai Bahadur Manmatha Nath. [Burdwan Division South-West General (Rural).]

C

8. Chakraverti, Mr. Shrish Chandra. [Calcutta General (Urban).]
9. Chaudhury Mr. Moazzemali *alias* Lal Mia. [Faridpur Muhammadan (Rural).]
10. Chowdhury, Khan Sahib Abdul Hamid. [Mymensingh West Muhammadan (Rural).]
11. Chowdhury, Mr. Khorshed Alam. [Bakarganj Muhammadan (Rural).]
12. Chowdhury, Khan Bahadur Rezzaqul Haider. [Noakhali Muhammadan (Rural).]
13. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
14. Chowdhury, Mr. Humayun Reza. [Rajshahi *cum* Malda Muhammadan (Rural).]
15. Cohen, Mr. D. J. [Chosen by the Governor.]

D

16. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
17. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
18. Datta, Mr. Narendra Chandra. [Bengal Legislative Assembly.]
19. D'Rozario, Mrs. K. [Chosen by the Governor.]
20. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

E

21. Ellahi, Khan Bahadur S. Fazal. [Presidency Division South Muhammadan (Rural).]
22. Esmail, Khan Bahadur Alhadj Khwaja Muhammad. [Dacca North-West Muhammadan (Rural).]

G

23. Goswami, Mr. Kanai Lal. [Calcutta Suburbs General (Urban).]

H

24. Hunter, Mr. H. C. A. [European.]
25. Haider, Nawabzada Kamruddin. [Bengal Legislative Assembly.]
26. Hosain, Khan Bahadur Saiyed Muazzamuddin. [Bengal Legislative Assembly.]
27. Hossain, Mr. Latafat. [Chosen by the Governor.]
28. Hossain, Mr. Mohammad. [Bengal Legislative Assembly.]
29. Huq, Khan Bahadur Syed Mohammad Ghaziul. [Tippera Muhammadan (Rural).]

30. Ibrahim, Khan Bahadur Maulvi Mohammad. [Bogra Muhammadan (Rural).]

31. Jan, Alhadj Khan Bahadur Shaikh Muhammad. [Calcutta and Suburbs Muhammadan (Urban).]

K

32. Kabir, Mr. Humayun. [Bengal Legislative Assembly.]
33. Karim, Khan Bahadur M. Abdul. [Mymensingh East Muhammadan (Rural).]
34. Khan, Khan Bahadur Muhammad Asaf. [Rangpur Muhammadan (Rural).]
35. Khan, Maulana Muhammad Akram. [Bengal Legislative Assembly.]
36. Laidlaw, Mr. W. B. G. [European.]

M

37. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-West General (Rural).]
38. Mackay, Mr. H. G. G. [Bengal Legislative Assembly.]
39. *Mitra, the Hon'ble Mr. Satyendra Chandra. [Bengal Legislative Assembly.]
40. Molla, Khan Sahib Subidali. [Bengal Legislative Assembly.]
41. Momin, Begum Hamida. [Chosen by the Governor.]
42. Mookerjee, Mr. Naresh Nath. [Bengal Legislative Assembly.]
43. Mookerji, Dr. Radha Kumud. [Bengal Legislative Assembly.]
44. Mukherji, Rai Bahadur Satis Chandra. [Burdwan Division North-East General (Rural).]

O

45. Ormond, Mr. E. C. [Bengal Legislative Assembly.]

P

46. Pal Choudhury, Mr. Ranajit. [Presidency Division General (Rural).]
47. Poddar, Mr. H. P. [Bengal Legislative Assembly.]

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*President of the Bengal Legislative Council.

R

48. Rahman, Khan Bahadur Ataur. [Presidency Division North Muhammadan (Rural).]
49. Rahman, Mr. Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
50. Rashid, Khan Bahadur Kazi Abdur. [Dacca South-East Muhammadan (Rural).]
51. Ray, Mr. Nagendra Narayan. [Bengal Legislative Assembly.]
52. (Vacant.)
53. Roy, Rai Bahadur Radhica Bhusan. [Bengal Legislative Assembly.]
54. Roy Chowdhury, Mr. Krishna Chandra. [Chosen by the Governor.]

55. Sanyal, Mr. Sachindra Narayan. [Bengal Legislative Assembly.]
56. Sarker, Rai Sahib Indu Bhusan. [Dacca Division South General (Rural).]
57. Sen, Rai Sahib Jatindra Mohan. [Rajshahi Division North-West General (Rural).]
58. Shamsuzzoha, Mr. M. [Bengal Legislative Assembly.]
59. Singh Roy, Mr. Saileswar. [Bengal Legislative Assembly.]
60. Sinha, Rai Bahadur Surendra Narayan. [Bengal Legislative Assembly.]
61. Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. [Bengal Legislative Assembly.]
62. Scott-Kerr, Mr. W. F. [European.]

W

63. Wilmer, Mr. D. H. [Bengal Legislative Assembly.]

THE BENGAL LEGISLATIVE COUNCIL DEBATES

(Official Report of the Second Session, 1939.)

Volume II—No. 1.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 1st May, 1939, at 2-15 p.m. being the first day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Oath of allegiance.

Mr. PRESIDENT: Any member desiring to take his seat will please come to the Table and take the oath or make the affirmation of allegiance in the manner prescribed.

The following member took the oath of allegiance:—

Mr. H. G. G. Mackay.

Obituary References.

Mr. PRESIDENT: Honourable members of the Council. It is my melancholy duty to refer to the sad and untimely demise of Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh, which occurred just a month ago. The late Maharaja attended the meeting of this Council for the last time on the 28th of February last when he appeared to be in the best of health and little could any one, who listened to the vigorous speech delivered by him on that day criticising the Budget estimates for the year, realise that his familiar face was no more to be seen. While supporting the condolence resolution moved in this House only the day previous, in connection with the death of Lord Brabourne, the Maharaja dwelt on the trasitoriness of our mundane existence and pathetically observed, "what shadows we are, what shadows we pursue". Those words of his are still ringing in my ears

and the fact that the truth of his remarks were to be illustrated so soon in the all-too-sudden death of the Maharaja himself, has added not a little to the poignancy of our sorrow on the present occasion.

Maharaja Sir Manmatha Nath had filled a very large space in the public life of Bengal for a period extending well over a quarter of a century. Almighty Providence had gifted him with many sterling qualities which enabled him to play his part ably and worthily in the various positions of trust and responsibility to which he had been called by the suffrage of his admiring countrymen. Amiable disposition, urbanity of manners, refined culture, broad outlook and sweet reasonableness were among the distinguishing traits of his character and they accounted for his popularity and remarkable success in public life. He was a sportsman in the truest sense of the term and conducted himself with a quiet dignity under all circumstances, in weal or woe. Every one who had occasion to have closer dealings with him will acknowledge that the Maharaja was a loying friend and a generous enemy. Scion of a premier Zemindar family of East Bengal which traces its origin from the family of Pratapaditya, the last great independent Hindu King of Bengal, the late Maharaja was always alive to the obligations of aristocracy to the society at large, and accordingly placed his services ungrudgingly at the disposal of his fellow countrymen. Indeed, this spirit of service was manifest in his many-sided activities in different spheres,—political, educational, social and cultural. He was a great patron of Arts and Letters and spent lavishly for the spread of higher education at different centres in East Bengal. In the social sphere also he had played not an inconsiderable part, being elected President of the All-India Kayastha Sabha on two occasions. He was known to hold liberal views on many of the social problems and strongly supported the anti-dowry movement.

He was associated from his youth with the governance of sports in this province in all its branches and tried in every possible way to rouse popular conscience about the problem of physical regeneration of the Bengali youth. He fought vehemently against the indifference on the part of the Government in this direction and pleaded unceasingly for developing physical culture activities on a national basis, following the examples of Germany, Italy and Great Britain. His Budget speech during the last session contained a forceful plea for bringing the entire question of the physical regeneration of the Bengali youth under State control and placing it in charge of a responsible Minister for physical education.

When the late Maharaja took to parliamentary career, it did not take him long to make his mark as a sound and able parliamentarian. He was selected as the Minister for Local Self-Government, Excise

and Public Works, under the dyarchical constitution for a short term in 1925. He was elected to the office of the President of the Bengal Legislative Council in the year 1927 when the Legislature was unicameral and the fact that he occupied that post continuously for nine years bore eloquent testimony to the conspicuous ability with which he had discharged his onerous responsibilities in this sphere. His knowledge of the rules and procedure of the Council was sound and his expositions of intricate questions relating thereto were always marked by lucidity and a clear grasp of principles. He was very jealous about the dignity of the Chair as well as the rights and privileges of the House and will be remembered for the valiant fight he put up during his tenure of office as President of the Bengal Legislative Council for the constitution of an autonomous Council Department. He fought almost single-handed over this issue and eventually succeeded in gaining his objective. The introduction of the Mace in the Council Chamber is an instance of his love for British Parliamentary tradition.

When a man of such versatile talents is removed from the public life of the province, it is undoubtedly very difficult to fill the void. I hope I am voicing the unanimous feeling in the House when I say that this Council as a whole and the Progressive Party in particular has sustained an irreparable loss by the sudden and unexpected death of the Maharaja of Santosh.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I associate myself with the sentiments so nicely expressed by you in mourning the great loss that we have sustained by the sudden demise of one of the most prominent members of this House, Maharaja Sir Manmatha Nath Ray Chowdhury of Santosh. Death has, of late, taken a rather heavy and cruel toll. It was only the other day that in this very House I had occasion to mourn our profound loss through the death of a great administrator and one of the noblest of gentlemen. I did not know then that so soon again we should have to mourn yet another serious loss.

The Maharaja was a public man respected among all sections in this province. Those who had the privilege of coming in personal contact with him knew him as a gentleman whose courtesy, politeness and geniality of manners never failed even under the greatest stress and strain. A scion of the aristocracy of the province, he was an aristocrat in the truest sense of the term: he represented all that was best in the culture and traditions of the landed aristocracy of Bengal.

He was, however, not only an ornament of his own class but he also shed lustre on every walk of the public life in Bengal in which he took interest. As President of the Legislative Council, the Maharaja

attained a signal success. The Chair, which you, Sir, have the honour to occupy was filled by him with dignity and conspicuous ability. His conduct of the business of the House, his deep and practical knowledge of parliamentary procedure and practice, his unfailing courtesy and his sense of justice and fair-play had made such a deep impression on the members of the Council that he was re-elected as President for a second term. He had before that also been chosen as a Minister under the old regime but could remain so only for a few days owing to the political exigencies of the time.

Sir, the Maharaja's interests were many-sided and although he gave of his best to politics, yet he found time to make rich contributions to many other branches of public activity also. In the social life of the province, in the realm of literature and in the field of sports, the Maharaja played a distinguished role. In the sporting world particularly, he was a towering personality. The improvement of the health and physique of the Bengali youth was a subject very near to his heart. As one of the most energetic Presidents of the Indian Football Association and also of the Bengal Gymkhana for some time and as a member of this House as well, he had all along made great efforts for securing to Bengal's young men better opportunities for sports, games and all manly and health-giving exercises. The building of a suitable stadium had been one of his fondest dreams and in this House he had often made an impassioned plea for the institution of measures for the improvement of the health of the race.

The Maharaja also gave his ungrudging services to institutions like the Saroj Nalini Dutt Association, the British Indian Association, the Mymensingh Landholders' Association and to various humanitarian activities. Whether it was a question of raising funds for the Quetta Earthquake Relief or the Sir John Anderson Casualty Block, or perpetuating the memory of the late Sir Ashutosh Mookerji, or of improving the condition of womenfolk by education or training in useful handicrafts, the Maharaja always proferred his energetic assistance, help and guidance.

His was indeed a life nobly lived in the service of his province, and Bengal, Sir, is to-day distinctly poorer by the death of such an illustrious and worthy son. An aristocrat, a politician, a sportsman, a humanitarian, a literatteur and above all, a perfect gentleman, the versatile Maharaja had few compeers in the contemporary life of Bengal. With him perhaps passes away the last of the representatives of that old generation of our landed aristocracy, who though born in affluence, believed that their means and opportunities were of no use if they were not devoted to the service of their fellow-men. The loss, which will undoubtedly be felt throughout the province, will be most keenly felt in the district of Mymensingh to which the Maharaja

belonged. Mymensingh has in the past produced a good many of those ideal landlords who realised that the true significance of wealth was an opportunity for larger service. The Maharaja was one of them. His untimely death has created a gap in the public life of our province which it will not be easy to fill.

To me the Maharaja's death has been a deep personal loss. I had been privileged to enjoy his friendship and affection—a friendship that was sincere to the utmost and an affection in which was reflected all the warmth of his noble heart. It is, therefore, with the deepest sense of personal loss that I mourn his death and pray that his soul may rest in peace and may the Almighty give his bereaved family sufficient strength to bear this irreparable loss.

Mr. KAMINI KUMAR DUTTA: Sir, it is with feelings of the deepest sorrow that I rise to associate myself and my party with the tributes paid by you to the memory of Maharaja Sir Manmatha Nath Ray Chowdhury of Santosh, the late leader of the Progressive Party in this House. In him Bengal has lost a distinguished public man and a splendid specimen of the landed aristocracy. Accustomed as we had been during the last two years to the Maharaja Sahib's invaluable collaboration in our deliberations in this House, we find it very difficult to reconcile ourselves to the idea that we are no longer to have the benefit of his wise counsel in our work here. But inscrutable are the ways of Province and we have got to submit to the Divine Dispensation.

Sir Manmatha Nath was born with a silver spoon in his mouth but in the midst of all the trappings of aristocracy, he concealed within himself the heart of a commoner. He had the foresight and wisdom, long before the emergence of modern socialistic tendencies, to realise that the security of the landed aristocracy could rest on sure foundation only if it were prepared to give of its best to the service of the people at large. And through his activities in various spheres of the public life of this province, he sought to translate this new idea into action. Indeed, in this respect he has left a noble example which is worthy of emolution by other members of his Order. Another most remarkable thing about the late Maharaja was his charming manners and dignified bearing. The inherent good breeding and culture of the man was unmistakable in everything that he did.

Sir, the views held by the late Maharaja on political issues were different from ours, but that fact could never interfere with maintenance of the happiest personal relations between us. This was possible because the late Maharaja was always careful to lift the differences on political questions from the personal to the impersonal plane.

The Maharaja had cultivated the art of public speaking from his early youth and this stood him in good stead in shaping his parliamentary

career. His brilliant record as the President of the Bengal Legislative Council, which office he held for nearly a decade at a stretch, bears testimony to his knowledge of the parliamentary procedure and conventions as also to the tact and discriminating judgment which he always brought to bear on the onerous duties he had to perform. Members of the Bengal Legislature will for all time to come gratefully remember the strenuous fight he had put up to effect the separation of the Council Department from the control of the Secretariat. The fact that the Legislature is now functioning as an autonomous body is due entirely to the Maharaja Sahib's tenacity of purpose and tactful handling of the situation with which he was confronted in those days before the advent of the new Constitution. In the present Council, his towering personality enabled him to focus the attention of the House on him whenever he chose to intervene in its deliberations. He was not upoften referred to for throwing light on many of the difficult constitutional issues that might crop up. Hon'ble members of this House cannot forget the valiant fight he put up against enormous odds in trying to secure modifications in the Bengal Tenancy (Amendment) Bill, with a view to safegurad the interests of the landholding community. He was indeed a tower of strength to the landholders as a class and our heart goes out in sympathy to the members of the Progressive Party in the irreparable loss they have sustained by the sudden and unexpected death of their leader. May his soul rest in peace!

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, it is my mournful duty to associate myself with what you have said in offering your tributes to the memory of the late Maharaja Sahib of Santosh and in expressing the deep sense of sorrow and condolence at his demise. Sir, I do so not only on my behalf but on behalf of the Progressive Party which has suffered great loss as you have rightly observed. Sir, he was not only a leader of the Party to which I have the honour to belong, but he was also a personal friend of mine. As a leader he guided us in times of difficulty and dilemma through thickest clouds in right directions which would not have been possible for anyone else. He was not only a guide but a friend and philosopher to us. I am sure this gap will never be filled up in future. I, who had the privilege of coming in close contact with him and was deeply attached to him, find my sorrow to be too deep for utterance. But alas, what shadows we are and what shadows we pursue! Sir, multifarious instances, both big and small, relating to his life are presenting themselves in the forms of pictures in my mind's eye. I do not know how to console the Maharani Saheba and her children in their present bereavement. The only consolation to us is that man is mortal and everyone is doomed to death. The pangs of his separation have been aggravated owing to his so sudden a demise when he was in the best of health and spirits.

As regards his qualities and activities, they were so immeasurable that all the members of this House combined can only touch a fringe of them. His kindness, beneficence and loveliness was of an unique nature. His political activities were well known and he belonged to the moderate school of politicians. Bengal in recognition of his political services had him as one of her Ministers during the working of the Government of India Act of 1919. He filled with distinction for a period of 10 years the very Chair which is being adorned at present by you, Sir, with as much credit if not more. The late Maharaja was a great lover of sports and he can very well be said to be one of the pioneers of the swimming activities in Bengal. He played not a very small part in getting the Swimming Association in Bengal recognised by the International Swimming Association. He filled with credit the different honorary posts of the Football Association and the Sports Clubs and organisations. As a zemindar coming from one of the oldest and distinguished families of East Bengal, he was always the champion of the cause for the betterment of the tenants though the methods suggested by him from time to time in this House might have differed from those holding contrary view on the subject. His activities during the Bengal Tenancy Amendment Bill is well known to this House. Sir, as I said before, it is not possible for me to say everything that could be said about him in the course of a speech in this House and as such I do not wish to dilate on it further. I only pray to Almighty God that this great and noble departed soul may rest in perfect peace in heaven and to grant sufficient strength and courage to the Maharani Saheba and the Maharaj-Kumars to bear this terrible shock. I may add further that his death has deprived Bengal of a noble zemindar, and of a most remarkable personality. His sweet temperament, loving manners and his exceptional courtesy made him so popular and beloved a figure in the public life of Bengal. This loss, as I have already said, is irreparable.

Mr. E. C. ORMOND: Mr. President, Sir, on behalf of the group to which I have the honour to belong, it is my sorrowful duty to add to the tribute paid to the memory of the late Sir Manmathanath Ray Chowdhury of Santosh. As I stand, Sir, in this place so close to his, where yesterday almost I was able to lean across and touch his shoulder and whisper questions or quick answers in his ear, I can believe only with difficulty that he will not again be standing up in this place and catching your presidential eye as before either to-morrow, or the day after to-morrow, or perhaps the day after that. I believe it with difficulty, Sir, and truly with a heavy heart. I wish I had not to believe or even to state this melancholy fact at all. Others, Sir, have dealt with his many-sided and high-souled activities. With your permission, Sir, I will recall only one incident. It is but such a short time ago that this House first sat. The business of the House was to elect

a President. The day was a Friday, the 9th of April, 1937. I recollect the day, Sir, as if it was to-day. There were three candidates, Khan Bahadur Maulvi Abdul Karim, yourself, Sir, and the late Maharaja Sir Manmatha Nath Ray Chowdhury of Santosh, for the Presidentship. Khan Bahadur Abdul Karim withdrew from the election. In the result the contest was between yourself and the late Maharaja of Santosh whose memory we honour to-day. The voting, as members will recollect, was, for the late Maharaja of Santosh 29 votes, and for yourself 30 votes. Two ballot papers by chance had been rejected. But for that chance who knows on which side those votes would have gone. Besides that chance, Sir, it also chanced that one member of the European group was absent. But for that chance no doubt the voting would have been 30 votes and 30 votes. But for that chance no doubt the President would have had to give a casting vote. The President that day, Sir, was Sir George Campbell who was a member of the Party to which I have the honour to belong, and it was but chance that the Party to which I have the honour to belong had one member of the Party as President and in addition another member was absent thereby making two members in their group in the House without a vote. It was the chance of the sequence of such events and the chance of this combination of such circumstances, which deflected the course of the career of the late Maharaja of Santosh; by one vote, from the Presidential Chair, Sir, which is now so illustriously and ably occupied by yourself.

What happened next after the voting was declared? Who was the first man, quicker than anyone else, to rise in his seat and offer you his felicitations? I think every member in this House who was present on that day will remember that it was the Maharaja of Santosh himself, who had been at that moment defeated and every member in this House will remember, Sir, the sincerity and the forcefulness of the words which he used in his speech when he offered you, Sir, his felicitations which everyone could see was offered with the greatest sincerity. May I, without wearying the House, recall one or two sentences from his speech on that day. Addressing you, Sir, he said: "I offer you our felicitations. We do hope that you will hold the balance even between all sections of this House. We are on the threshold of a very interesting constitutional experiment and the success of that experiment will depend much upon your actions in this House. I do hope that you will always endeavour to forget your own politics.....and try to judge us and all our actions with that impartiality which ought to belong to your great office."

I know, Sir, sitting in the Presidential Chair as you have done from that day to this, you will have nothing to quarrel with in his conduct as a member of this House, and the reasonableness with which he approached every subject that came up for debate. May I, Sir, also refer with respect to your own observations on that same day. Among

other observations you remarked, Sir: "It will be one of our business to revise any shortcomings that might arise in the rush of the daily work of a bigger Lower House. We shall have to do that with the greatest caution, so that our House may act as a proper check upon the pure Law of Number. But I do not think our task need end there; to my mind there appears to be nothing in the present Constitution to prevent this House from ploughing its own way into distinct supremacy as the Upper Houses in certain other countries have done," and then, Sir, you went on to say: "I do not know what was in the minds of the legislators in Great Britain when they were framing the Indian Constitution, but everything lies with you (that was to us members whom you were then addressing) and with your co-operation I hope I shall be able to so build up the rights and privileges of this House, that it may make a name and attain its rightful position in serving the country to its best advantage."

Now, Sir, I would respectfully suggest that the late Maharaja of Santosh himself would have been the best embodiment of the spirit of those words of yours. If he had lived, I am certain that you and he, the two candidates for election on the 9th of April, 1937, would have done together as much as all other comers, to raise and maintain the dignity of the House in the sphere to which you made reference that day, Sir, in your speech. And, Sir, it is not only a matter of dignity, it is no matter of pomp or formality, but it is a matter of practical usefulness: the usefulness to the province of Bengal and to the constitution of the province of Bengal. You two, Sir,—both of you—would, I am sure, have been co-workers to achieve the end to which you made reference that day, to show to all persons both inside and outside this House that in the constitution of the province this House fills a unique position and can fill it and will fill it—a position which is not fulfilled by any other part or portion of the mechanism of the constitution of this province. You referred that day to the peculiar constitution of this House—how it is partly elected, how it is partly nominated and how it is partly elected by indirect election by the Lower House, and you pointed out what has not as yet been made apparent to the people of Bengal by reason of circumstances for which we on this side of the House are certainly not sorry, I mean the circumstance that there has as yet been no general election,—you made clear, Sir, the difference between the position of this House and the other House, in that members of this House are elected for 3 years, 6 years and 9 years. They are not dependent on popular clamour, they are not dependent on the comings and goings of elections; but they are here to do their duty in a long-cyclic term, for the general good of the whole province of Bengal, irrespective of undue party considerations, and certainly irrespective of private and personal considerations. It was the very quality of the so marked embodiment of this spirit—and all the concomitant qualities, which went with it and so outstandingly

fitted him for public service in this House, together with his especial sense of fairness, his reasonableness always, and his courtesy, his balance—and above all his public spirit—also his eloquence, which he possessed and displayed in a manner at once so forceful and so charming, which were so greatly admired by the members of this group: and I am sure by the whole House. I would only say, Sir, on behalf of the group to which I have the honour to belong that not only was the late Maharaja of Santosh a political friend of this group, but every one of those members (who, unfortunately are now on leave), every one of those members who served with him in the House in the group to which I have the honour to belong, looked upon the late Maharaja Sahib as as his personal friend, and I have to add a truly sorrowful tribute on behalf of this group to those other tributes which have been paid to-day, to the memory of the late Maharaja of Santosh.

Mr. HUMAYUN KABIR: Mr. President, Sir, I consider it a sorrowful privilege to associate myself with the words of condolence which have been expressed on the occasion of the death of Maharaja Sir Manmatha Nath Ray Chowdhury of Santosh. As all honourable members of this House are aware, our political opinions were different. We looked at political questions from almost opposite points of view. Yet in spite of such differences of opinion I have always felt that here was a man who looked at those questions with perfect sincerity. In regard to the political questions which we were called upon to face from time to time, we always found in him a man who tried to understand the other point of view even if he could not agree with it. If a gentleman means one who has a generous heart and a flexible mind, he was a gentleman in the best sense of the term. Sir, on many occasions we have differed but even in difference we have always found him equally courteous. As the hon'ble member who has just sat down has already said he was a sportsman in and out of the field. I shall refer to one case where the late Maharaja Sahib showed wonderful sportsmanship in rising to congratulate you, Sir, immediately after the defeat he sustained by such a narrow margin. On such an occasion, Sir, a lesser man might have hesitated or at least delayed to do so. Our admiration of his character increases when we remember that this was not his only disappointment in the recent past. Just before this he missed the election to the other place by only two votes; and who knows, Sir, what his career would have been if he had not lost the election to the Assembly by that narrow margin of two votes?

In spite of the fact that he represented a school of politics which did not represent his generation and in spite of the fact that he represented a point of view which was not being generally accepted in the country, he maintained his point of view with a dignity and courtesy which attracted the admiration of every member of this House. Sir, a member representing an ancient landholding family of Bengal once said,

"If the landholders of Bengal have to disappear, it is better that they should disappear in glory, pomp and grandeur like the summer cloud, for even when the day of the summer cloud is finished, it finishes in pomp and grandeur and glory." The Maharaja-Sahib in his life gave us an example of that. In his personal conduct he was always courteous and always considerate in spite of differences of opinion and even in differences on political questions he approached them from the same sober and statesman-like point of view. I am sure, every one in this House feels that this House has been rendered the poorer to-day by the demise of the Maharaja of Santosh. I may repeat the words of Mr. Ormond and say that it is difficult for us to believe that we shall no longer hear the Maharaja's voice again, asking a question or contributing a solution to the difficult problems with which we are faced here from time to time. I am sure, the House will record its sincere grief and sorrow at the loss of this illustrious son of India.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, we are meeting here to-day under the shadow of a great sorrow on account of the sudden death of Maharaja Sir Manmatha Nath Ray Chowdhury of Santosh. By his death a striking personality has passed away,—a great personality who was loved by all and whose activities were admired by all. He was a prominent figure in this House. We always looked up to him for guidance in difficult situations with which we have been confronted from time to time and in solving difficult and intricate questions of Parliamentary procedure. He was, Sir, a great Parliamentarian and with his knowledge and experience of the rules of Parliamentary procedure, he was not only a great help to this House, but was also a great help to the Chair. He occupied the exalted position of the President of the old Legislative Council for a considerably long period of about 10 years, and in this responsible position he acquitted himself in a way which might do credit to anybody occupying such a position. He came of a very ancient zemindar family of Tangail from which subdivision I also come, and as such I feel the sorrow consequent on his sudden and unexpected death all the more keenly. One of the most remarkable features of his life was that he never spent his wealth entirely for his luxury and for his personal comfort. In the matter of education he spent a great deal of money and his generosity and munificence in helping some educational institutions in East Bengal as, for instance, the Ananda Mohan College in Mymensingh and the Jagannath Intermediate College at Dacca, will be remembered by all. To spread higher education he started a college in his own subdivision, though I am sorry to say that it had to be abolished after a short but useful career, for reasons which it is not necessary to enumerate here. I think not even his worst enemy can speak anything against him as a man. Whoever had come in contact with him never came away with any but the most pleasant impression about the dignity and amiability

of his nature. This is neither the time nor the occasion to enumerate all the qualities of his head and heart and I do not want to inflict a long speech after so many speeches. I only want to conclude by saying that I fully associate myself with the sentiments already expressed by the previous speakers, and I also pray to God that his departed soul may rest in peace.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. President, Sir, on behalf of the Coalition Party in the Council, I also humbly beg to associate myself with this melancholy duty. Enough has been said as to the qualities of the head and heart of the late Maharaja of Santosh and towards the end of to-day's proceedings I do not wish to repeat them. I should only say that whenever the late lamented Maharaja rose to speak, he spoke with grace and dignity and these were too prominent characteristics of his to be missed by anybody. His loss is a distinct loss to the debating ability and strength of this House. I lament the fact that we are destined no longer to hear him, to hear his copious and sonorous eloquence which made a deep impression even on the hearts of his opponents. Sir, I have had to oppose him on many occasions; but I remember with melancholy pleasure that he always met us—those who opposed him—with courtesy and dignity. With these few words, Sir, I wish to associate myself with this great melancholy occasion to-day and to pray like the other speakers that his soul do rest in peace.

Rai Sahib JATINDRA MOHAN SEN: Mr. President, Sir, as a member of the Independent Group of this House I beg to pay my humble tribute of respect to the memory of late Maharaja Sir Manmatha Nath Ray Chowdhury of Santosh. Before I came to this House I did not know him personally but was attracted to his personality from a very long time by his reputation as a perfect gentleman, a sound politician and a finished orator. I had watched him rise in popular esteem from the time he placed himself under the tutelage of Sir (then Babu) Surendranath Banerjea for his political training. He made his mark as a great Parliamentarian by the conspicuous ability he displayed as President of the last Bengal Legislative Council. His clear grasp of his duties and his fearlessness in discharging them even on the most trying occasions were universally recognised. He was considered to be an almost ideal President and this fact explains the unusual demand which important associations and institutions made on him to become their President. For his genial personality and mellifluous oratory, his presidency was solicited in public functions and social gatherings.

His countrymen had all expected that he would be returned as a member to the Bengal Legislative Assembly, but, Sir, Fate ordained otherwise. He was however elected to this House, but here again he missed the Presidentship by the narrowest margin of a vote. We of this

House still remember, Sir, the glowing terms in which he congratulated you on your election to this exalted office immediately after his defeat—a defeat which he expected the least!

He was our leader and guide on this side of the House, but he was a friend to all. His death has created a void in our midst which it will be extremely difficult, if not impossible, to fill. His demise has been a personal loss to us. I, for one, least expected that he would be called away so soon and so suddenly. May his soul rest in peace, is my humble prayer to the Almighty!

Rai Sahib INDU BHUSAN SARKER: Mr. President, Sir, I rise to associate myself with the words that have fallen from the lips of previous speakers on the motion of condolence on the death of the Maharaja of Santosh who was till his death a distinguished member of this House and leader of the Progressive Party to which I have the honour to belong. Sir, it is impossible for me to give expression to my feelings on the present occasion, because I had the inestimable pleasure and privilege of enjoying his intimate friendship, a friendship which every day grew more warm as we began to know more of each other. Sir, the late Maharaja filled a conspicuous place in the public life of this province, and whatever part he was called up to play in different spheres of activity, he played with tact, judgment and a warmth of feeling which was characteristic of him. In the landed aristocracy, which is to-day the target of onslaughts from within and without, he commanded a position of acknowledged leadership by dint of his vast experience, mature judgment and an amazing gift of expression. Sir, it will indeed take us long to forget his silvern eloquence on the floor of this House and outside, and the pleasant and towering personality that shed lustre to this House. He was a perfect gentleman, and was loved by all.

With these few words, Sir, I beg to associate myself with the universal feeling of grief that his sudden demise has evoked. May his great and noble Soul rest in peace!

Mr. PRESIDENT: Before adjourning the House as a mark of respect to the memory of the late Maharaja of Santosh who was not only a sitting Member of this House but also an ex-President of the Bengal Legislative Council, I would refer to the demise of Hazrat Maulana Shah Sufi Haji Mohammad Abu Baker Siddiqui, popularly known as the Pir Saheb of Furfura, who passed away on March 17 last at the ripe old age of 90. He was a Muslim Divine of great eminence who had millions of Muslims all over the province and also some Hindus as his followers. Indeed, his name was almost a household word in Bengal. The Pir Saheb made large grants for founding mosques, educational institutions and charitable dispensaries at various centres in Bengal. I had the privilege of coming into personal contact with the Pir Saheb and felt deeply impressed by his uncommon personality and his keen

desire to see inter-communal harmony established in Bengal. Th province has undoubtedly suffered a great loss by the passing away such a venerable person.

Bengal has also lost two of her distinguished public men in th persons of late Mr. Birendra Nath Majumdar and Mr. Monoranj Banerji who met with death due to the recent railway disaster at Majd which has taken a fairly heavy toll of lives and spread a deep gloom a over Bengal. Both these gentlemen had to their credit a record service and sacrifice in the cause of the country. They were membe of the Bengal Legislative Assembly and intimately knew them f many years as we were colleagues in the Indian National Congres Bengal deeply mourns their sad death.

To honour the memory of the departed souls, I would request th hon'ble members to rise in their place

(Members rose in their places.)

It will be my duty to convey to the members of the bereaved famili the sincere sympathy and heart-felt condolences of the Council.

The House now adjourns till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 2nd Ma 1939.

Members absent:

The following members were absent from the meeting held on the 1st May, 1939:—

(1) Mr. Nur Ahmed.
(2) Mr. Narendra Chandra Datta.
(3) Alhadj Khwaja Muhammad Esmail.
(4) Khan Bahadur Saiyed Muazzamuddin Hossain.
(5) Khan Bahadur Saiyed Muhammad Ghaziul Huq.
(6) Khan Bahadur M. Abdul Karim.
(7) Mr. Naresh Nath Mookerjee.
(8) Dr. Radha Kumud Mookerji.
(9) Rai Bahadur Satis Chandra Mukherji.
(10) Khan Bahadur Ataur Rahaman.
(11) Rai Bahadur Radhica Bhusan Roy.
(12) Mr. Sachindra Narayan Sanyal.
(13) Mr. D. H. Wilmer.

B. G. Press—1939-40—2793A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 2nd May, 1939, at 2-15 p.m., being the second day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

Mr. PRESIDENT: The outstanding questions of the last Session will now be put and answered.

QUESTIONS AND ANSWERS

Replies to questions unanswered in the February-March Session, 1939.

Jagannath Intermediate College.

127. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) whether tenders are invited by the Principal from the printing firms in Dacca for the printing work of the Jagannath Intermediate College;

(b) if not, whether these tenders are placed before the Auditor; and

(c) whether it is a fact that practically all the printing work of the college is done by the Srinath Press, which is a family concern of the Principal?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (a) No.

(b) Does not arise.

(c) Yes.

Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state why tenders were not invited from the printing firms?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): I cannot say that off-hand. I ask for notice.

Khan Bahadur KAZI ABDUR RASHID: Arising out of answer (c), will the Hon'ble Minister be pleased to state if it is the public policy to do so?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): Yes, Sir.

All-Bengal Registration Employees' Association.

128. Mr. SHRISH CHANDRA CHAKRAVERTI: (a) Is the Hon'ble Minister in charge of the Education Department aware of the fact that the Inspector-General of Registration, Bengal, has recently issued a circular No. 16179, dated the 22nd December, 1938, and in it referred that many politically-minded men were office-bearers of the All-Bengal Registration Employees' Association?

(b) If the answer to clause (a) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for describing office-bearers as *politically-minded* men in the circular, referred to in clause (a)?

(c) Did the Inspector-General of Registration, Bengal, receive the statement sent on the 22nd December, 1938, showing therein the names of members as well as the present office-bearers of the said association?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (a) The subject-matter of the circular quoted was altogether different. But it is true that in one of his circulars the Inspector-General of Registration said that some of the office-bearers of the All-Bengal Registration Employees' Association were "politically-minded".

(b) By using the term in question, the Inspector-General of Registration meant that the gentlemen in question were interested in politics. A sufficient reason for his description is the fact that the list of office members contains members of this House.

(c) Yes.

Calcutta Registry Office.

129. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) whether the Head Clerk or the Record-Keeper is in charge of records of the Calcutta Registry Office;

(b) who is solely responsible for the safety of the records of that office, the clerk in charge of records or the Head Clerk;

(c) whether it is a fact that the Record-Keeper is sent to produce records to short distances and the Head Clerk goes to long distances where a large amount of travelling allowance is admissible;

(d) whether it was a fact that similar cases occurred and a second class travelling allowance was charged by the Bill No. 4 of the aforesaid office, dated the 27th May, 1938-39;

(e) if the reply to part (d) be in the affirmative, whether the Hon'ble Minister will be pleased to lay a copy of the aforesaid bill with reason for charging second class travelling allowance thereof;

(f) what amount would have been saved if the Record-Keeper would have been sent instead of the Head Clerk in connection with the said Bill No. 4 of that office, dated the 27th May, 1938-39, showing Government loss or gain thereby; and

(g) if Government loss is detected, whether the Government contemplates to take any action in the matter; if not, why not?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (a) The Joint Sub-Registrar of Calcutta is in charge and not any clerk.

(b) The Registrar of Assurances with his staff.

(c) No. The Registrar in his discretion deputes one of the clerks whom he considers suitable for the purpose, considering the nature and the value of the documents and who, in his opinion, will be able to help the courts by answering the questions put to him.

(d) Yes.

(e) A copy of the bill is placed on the table. The Head Clerk was a second class officer and was entitled to draw the travelling allowance as charged. He produced a copy of the declaration of a trade mark and connected registers containing valuable documents of a large number of Registration cases.

(f) Had the Record-Keeper been sent the cost would have been less by Rs. 76 as he would have drawn travelling allowance at third class rate.

(g) No. For reasons already stated.

Statement referred to in

BILL No. 4

Travelling Allowance Bill of the Establishment of office

Name and designation.	Head-quarters.	Actual pay.	Particulars of journeys and halts.						Kind of journey by rail (mail or passenger) steamer road or trolly.*
			Departure.			Arrival.			
			Station.	Date.	Hour.	Station.	Date.	Hour.	
		Rs.			H. M.			H. M.	
Bazlul Huq, Head clerk.	Calcutta	175	Calcutta	13-5-1938	14 30	Howrah Station.	13-5-1938	15 15	..
			Howrah Station.	13-5-1938	15 35	Lahore Station.	15-5-1938	9 0	Rail
			Lahore Station.	15-5-1938	9 50	Lahore Court.	15-5-1938	10 30	..
			Halt on 16-5-1938	..	..	..	..	..	..
			Lahore Court.	17-5-1938	18 0	Lahore Station.	17-5-1938	18 50	
			Lahore Station.	17-5-1938	21 0	Howrah Station.	19-5-1938	9 30	Rail
			Howrah Station.	19-5-1938	9 45	Calcutta	19-5-1938	..	..
otal ..									

*Travelling by road includes travelling by sea or river in a steam launch or in any vessel other than a steamer and

†In cases where the steamer company has two rates of fares, one inclusive and one exclusive of diet, the word

(a) If there is a combined appropriation for travelling allowance of Gazetted and Non-gazetted Government

the reply to question No. 129.

FOR 1938-39.

of Registrar of Assurances, Calcutta, for the month of May 1938.

Railway/steamer fare.†			Mileage by road or trolly.			Daily allowace.			Actual expenses.		Purpose of journey.	Total of each line.	Remarks.		
Class.	No. of fares.	Amount.	No. of miles.	Rate.	Amount.	No. of days.	Rate.	Amount.	Particulars.	Amount.					
		Rs. a.		Rs. a. p.	Rs. a.		Rs.	Rs. a.		Rs. a.		Rs. a.			
		..	1	0 2 3	0 2								To attend the court of Special Magistrate, Delhi and the Punjab.		
II	1½	77 12	..	..	..	..	..	..	..	..	..	..			
..	..	..	2	0 4 0	0 8	½	..	..	..	..	..	..			
..	..	..	..	..		1	..	..	..	..	..	..			
..	..	..	2	0 4 0	0 8	½	..	..	..	..	..	..			
II	1½	77 12	..	..	..	..	..	..		..	..	..			
..	..	..	1	0 2 3	0 2	..	..	..	..	..	..	..			
	3	155 8	6	..	1 4	2	2	4 0	..	160 12	..	160 12	(a) Appropriation for 19 19 Expenditure including this bill	220	7
Deduct—Undisbursed travelling allowance refunded as detailed on the reverse															
Net sum required for payment ..												160 7	Balance		

travelling by canal. (The particular kind should be specified.)
"Fare" should be held to mean "Fare exclusive of diet."
servants the combined appropriation and expenditure should be shown in this column.

Contents received.

Q. M. RAHMAN,

Registrar of Assurances,

Calcutta.

Chittagong College.

130. Dr. ARABINDA BARUA (on behalf of Mr. Nur Ahmed): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether a deputation consisting of some leading gentlemen of Chittagong waited upon him during his recent tour at Chittagong and urged upon him the necessity of—

(*i*) affiliating the Chittagong College in Botany, and other subjects;

(*ii*) providing more accommodation by construction of a two-storied building on the old Boarding site;

(*iii*) appointing an additional Professor for teaching English;

(*iv*) starting of a Government-maintained I.A. College for girls at Chittagong; and

(*v*) immediate establishment of training school at Chittagong for girls?

(*b*) If so, what steps has the Hon'ble Minister taken and is he taking to remove all or any of the grievances as mentioned in part (*a*) of the question? If not, why not?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) (*i*) No formal proposal has yet been received. The matter will receive due attention.

(*ii*) The Principal has been asked to review the position with reference to conditions now obtaining and to submit definite proposals with the approval of the Governing Body of the College.

(*iii*) The matter is under investigation.

(*iv*) There is yet no proposal under the consideration of Government for a Girls' College at Chittagong. The matter will however receive attention.

(*v*) A scheme is under consideration of the Director of Public Instruction.

Moslem Education.

131. Dr. ARABINDA BARUA (on behalf of Mr. Nur Ahmed): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if he is going to give effect to the unanimous recommendation of the Bengal Legislative Council made in the last session to set apart an additional sum of Rs. 25 lakhs for the encouragement of Moslem education? If not, why not?

(b) Has the Government appointed any Advisory Committee to advise the Government how to spend this sum as promised by the Chief Minister on the floor of the Bengal Legislative Council?

(c) If not, when is the Committee going to be appointed by Government?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (a) So far schemes for the improvement of Muslim education involving a recurring expenditure of Rs. 5,04,957 and a capital expenditure of Rs. 17,04,253 have been sanctioned, Rs. 4,19,700 of the recurring expenditure have already been provided in the budget and the balance, viz., Rs. 1,85,257 recurring and Rs. 7,08,040 capital require to be provided in the future Education budgets to complete the schemes already sanctioned. Besides the above, Government contemplates taking up the improvement of the Islamia College, Calcutta, at a cost of about Rs. 20,00,000 non-recurring and Rs. 1,50,000 recurring. All possible steps are thus being taken to implement the resolution.

(b) and (c) Do not arise.

Free night school in Raghunathganj.

132. Mr. RANAJIT PAL CHAUDHURI: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) whether there has existed for some years a free night school in Raghunathganj within the Jangipur Municipality in the Murshidabad district under the patronage of Babu Prodat Kumar Sadhu;

(b) whether the institution has been removing a long-felt want of the locality by imparting free education to a number of children of poor indigent persons;

(c) whether the Director of Public Instruction, Bengal, has ever been moved to extend some aid through the Free Primary Education Board to the institution in question in consideration of its usefulness as the only free primary school in that locality; and

(d) whether the department concerned has already made any inquiry into the fitness or otherwise of the school to obtain some assistance from the Government?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (a) There is such a school, but when the school was started is not known.

(*b*) It is reported that the institution does not follow the departmental curriculum, and it has not been reported on well. It is not therefore possible to answer the question in the affirmative absolutely.

(*c*) and (*d*) The authorities of the school have not as yet applied for a grant-in-aid.

Nawab Bahadur's Institution at Murshidabad.

133. Mr. NARESH NATH MOOKERJEE (on behalf of Mr. Humayun Kabir): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the Nawab Bahadur's Institution at Murshidabad was formed by amalgamating the Nawab's Madrassah with the Nawab's High School? If so, when were the Nawab's Madrassah and the Nawab's School respectively established and when did the amalgamation take place?

(*b*) Is it a fact that both the Nawab's Madrassah and the Nawab's School imparted free education from their very inception?

(*c*) Is it a fact that since amalgamation, the Nawab Bahadur's Institution has continued to impart free education to all students irrespective of caste, creed or colour?

(*d*) Is it a fact that the charges for the maintenance of the aforesaid institutions have always been met from the Nizamat Deposit Fund and not from the provincial revenue of Government?

(*e*) Is it a fact that the building for the institution was created with a special grant of Rs. 76,500 from the Nizamat Deposit Fund?

(*f*) Is it a fact that a sum of Rs. 30,000 per year was sanctioned out of the Nizamat Deposit Fund for the maintenance of the institution?

(*g*) Is it a fact that till 1861 the institutions were under the control of the Agent to the Governor-General?

(*h*) Is it a fact that the Government are now contemplating the introduction of fees in the Nawab Bahadur's Institution and is it a fact that till now fees have never been charged in that institution?

(*i*) Is it a fact that the Government's present policy is to restrict the secondary education in the province, and is it a fact that the said move of the Government for levying fees in the institution has been made in accordance with the said policy of the Government?

(*j*) Is it a fact that the proposed step has aroused deep resentment in the locality and protest meetings have already been held?

(*k*) Does Government propose to reconsider the question and allow the institution to be maintained as a free-educating agency as before? If not, why not?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) Yes. The Nawab's Madrassah was established in 1825 and the Nawab's High School in 1854. These institutions were amalgamated in 1909 and the amalgamated institution was given the name of "Nawab Bahadur's Institution".

(*b*), (*c*) and (*g*) Yes.

(*d*) and (*f*) No, not always. Before 1882 the charge for the maintenance of these institutions was met from the Nizamat Deposit Fund. But owing to a revision of the relations between the Government and the Murshidabad family consequent on the relinquishment by Nawab Syed Munsoor Ally of his position as Nawab Nazim at Murshidabad, Government took upon itself the maintenance of the two institutions and the Government of India sanctioned an annual grant of Rs. 30,000 from the General Revenues for the support of these institutions.

(*e*) The information cannot be supplied, as no papers are traceable.

(*h*) Part I—The imposition of fees will be suspended for the present.

Part II—Yes.

(*i*) No.

(*j*) Two representations have just been received by the Director of Pubilc Instruction.

(*k*) Does not arise.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: With reference to answer (*j*) that "two representations have just been received by the Director of Public Instruction", may I know what order has been passed with regard to exempting the students from payment of fees?

The Hon'ble Mr. NALINI RANJAN SARKER: No order has yet been passed.

Expenditure in aided High and Middle English Schools.

134. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the present minimum scale of expenditure enforced by the Education Department in all aided high English and middle English schools is too high and that the school authorities find great difficulty in maintaining the scale?

(*b*) Is it a fact that this state of things has been brought to the notice of the Government in the annual reports of the Divisional Inspectors?

(*c*) If so, what steps does the Government propose to take in this matter?

(*d*) Will the Government be pleased to call the reports of the inspecting authorities on this point and revise the present scale of expenditure?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) The minimum scale of expenditure enforced in aided high and middle schools cannot be said to be too high, though some schools find it difficult to maintain it.

(*b*) No.

(*c*) Does not arise.

(*d*) This is not necessary. Relaxation of the prescribed limit is allowed by the Director of Public Instruction in special cases.

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister be pleased to call for a report from the Divisional Inspector on this point?

The Hon'ble Mr. NALINI RANJAN SARKER: Government will give due consideration to this suggestion

Common room in the Baker Hostel.

135. Khan Sahib ABDUL HAMID CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if there is a Common room attached to the Baker Hostel?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state if any grant has been sanctioned for the said Common room as is the case in some other Government hostels?

(*c*) Is the Hon'ble Minister aware that without Government aid it is beyond the means of the hostelers to provide a Common room for their use?

(*d*) Does the Hon'ble Minister propose to sanction a suitable grant for the purpose? If not, why not?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) No. It is not the policy of Government to contribute towards Common rooms atached to hostels.

(c) A Common room is in existence and it is supplied with papers and periodicals the cost of which is met from the Union fee of Rs. 2-8 per year paid by the boarders. There are also two rooms in the hostel, one fitted up for indoor-games and the other as a gymnasium.

(d) Does not arise.

Muhammadan hostel attached to the Presidency College.

136. Khan Sahib, ABDUL HAMID CHOWDHURY: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state if he is aware that want of a Muhammadan hostel attached to the Presidency College is being very keenly felt by the Muhammadan students of the said college?

(b) If the answer to clause (a) be in the affirmative, will the Hon'ble Minister be pleased to state whether Government propose to take early action towards the removal of this inconvenience? If not, why not?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (a) No. The Muslim students of the Presidency College are suitably accommodated in the Baker Hostel attached to the Islamia College and in the Taylor Moslem Hostel. There is at present no demand for additional hostel accommodation, but if I find that additional hostel accommodation is needed, I shall at once take steps to provide the accommodation needed.

(b) Does not arise.

Reserved seats for Muslims in the Chittagong Government College.

137. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) the percentage of Muslim population in the Chittagong Division;

(b) the percentage of seats reserved for Muslims in the Chittagong Government College;

(c) the number of Muslim students refused admission during the last three years;

(d) accommodation available in that college; and

(e) whether Government has in contemplation to increase the number of seats, reserved for Muslims, to meet the growing and insistent demand of the community, and if so, when they are going to give effect to this?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) 74 per cent. according to the census of 1931.

(*b*) The minimum number of seats reserved for Muhammadans by the department is 30 per cent. But the number of Muslim students actually admitted to the college has of late been invariably in excess of the minimum fixed.

(*c*) Applications from Muslim students received careful consideration and no deserving candidate appears to have been refused admission during the last three years.

(*d*) The following table shows the accommodation available in the various classes in the College:—

First year I.A.	...	110
First year I.Sc.	...	60
Second year I.A.	...	110
Second year I.Sc.	...	60
Third year B.A.	...	75
Third year B.Sc.	...	15
Fourth year B.A.	...	75
Fourth year B.Sc.	...	15
Total	...	520

(*e*) The Principal has suggested that the number of seats reserved for Muslims be increased to 46 per cent. This proposal is under my consideration.

Jagannath Intermediate College.

138. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether an advanced copy of a petition signed by the members of the Jagannath Intermediate College staff and addressed to the Hon'ble Minister of Education was received by the Government in May, 1938;

(*b*) whether the original petition submitted through the Principal was also received by the Government; and

(*c*) if the answer to (*b*) is in the negative, why it was not received?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) A petition was received in June, 1938.

(*b*) No.

(*c*) The Governing Body of the College thought it unnecessary to send the petition on to Government inasmuch as a previous petition in similar terms was under Government's consideration.

Sub-Inspectors of Schools.

139. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the number of Sub-Inspectors of Schools who have been posted to the subdivisional headquarters in the Dacca Division (Dacca and Bakarganj Ranges) and how many of them are Muslims;

(*b*) the names and jurisdictions of the Sub-Inspectors of Schools in the Dacca Division (Dacca and Bakarganj Ranges) who have been in the same *elaka* for more than five years; and

(*c*) whether there is any rule for transferring such officers after three years?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) 38, of whom 24 are Muslims.

(*b*) A statement is placed on the table.

(*c*) In 1930 a circular was issued by the Director of Public Instruction, Bengal, emphasising the desirability of periodical transfer of Subdivisional and Sub-Inspectors of Schools after every 5 years; but in view of financial stringency, it was subsequently decided by Government that officers of the Education Department should not be transferred more frequently than is absolutely necessary.

Statement referred to in the reply to clause (b) of question No. 139 showing the names and jurisdiction of Sub-Inspectors of Schools in the Dacca and Bakarganj Ranges who have been in the same elaka for more than five years.

Name and designation.	Jurisdiction.
1. Babu Srimanta Kumar Sen Gupta, Sub-Inspector of Schools, Patuakhali Circle.	Patuakhali thana.
2. Maulvi Abdul Faiz Muhammad, Sub-Inspector of Schools, Meheadiganj Circle.	Meheadiganj and part of Hijla.

	Name and designation.	Jurisdiction.
3.	Maulvi Sharafat Ali, Sub-Inspector of Schools, Barhanaddi Circle.	Barhanaddi, Tajamaddi and Lalmohan.
4.	Maulvi Mozharuddin Ahmed, Sub-Inspector of Schools, Swarupkati Circle.	Swarupkati thana.
5.	Maulvi Shaikh Abdul Aziz, Sub-Inspector of Schools, Borguna Circle.	Borguna thana.
6.	Maulvi Abdul Gafar Gazi, Sub-Inspector of Schools, Matbaria Circle.	Matbaria and Patharguata.
7.	Babu Ganesh Chandra Ray, Sub-Inspector of Schools, Bakarganj Circle.	Bakarganj thana.
8.	Maulvi Muhammad Hossan, Sub-Inspector of Schools, Bhola Circle.	Bhola and Daulatkhan.
9.	Babu Nagendra Kumar Chaudhury, Sub-Inspector of Schools, Manikganj.	Manikganj.
10.	Maulvi Ismailuddin Ahmed, Sub-Inspector of Schools, Monohardi.	Sibpur.
11.	Maulvi Mukhtar Ahmed Siddiqui, Special Sub-Inspector of Schools, Dacca.	Dacca.
12.	Babu Jadunath Ganguli, Sub-Inspector of Schools, Mymensingh Sadar.	Mymensingh Sadar.

The Head Master of Manipura High School.

140. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether there was a complaint by several guardians against the Head Master of Manipura High School in the district of Dacca for extortion of money from the Matriculation candidates of last year from that school;

(*b*) what are the findings of the Inspector of Schools, Dacca Division, regarding the charges brought against the Head Master; and

(*c*) what action, if any, has been taken against the Head Master?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) A complaint to the effect was received by the Inspector of Schools, Dacca Division.

(*b*) The Second Inspector of Schools, Dacca Division, who held an enquiry into the matter, suspected that the Head Master was guilty of exaction of money from some of the Matriculation candidates.

(*c*) The report of the enquiry was forwarded to the Registrar, Calcutta University. The decision of the Senate in the matter has not yet been communicated to the department.

The Head Clerk of the Board of Intermediate and Secondary Education, Dacca.

141. Khan Bahadur KAZI ABDUR RASHID: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether Mr. Mahmudul Huq, late Head Clerk of the Board of Intermediate and Secondary Education, Dacca, was found guilty of complicity in the matter of leakage of question papers of the Board's Examination held in the year 1934?

(*b*) Is it a fact that penalty in the shape of reduction of pay was inflicted upon him for the aforesaid offence?

(*c*) Is the Hon'ble Minister aware that the Universal Press situated at 21, Raja's Dewry, Dacca, was purchased by the said Head Clerk in the name of two ladies, one being the wife of the said Head Clerk?

(*d*) Is it permissible under the Government Servants Conduct Rules for a Government employee to carry on private business either openly or secretly?

(*e*) Has the said Head Clerk, Mr. Mahmudul Huq, recently been transferred to the Dacca Collectorate by way of punishment for his doings and, if so, will Government be pleased to state whether the said punishment is commensurate with his misdeeds and, if not, what further action does the Government contemplate to take against him?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) He was implicated in the matter of the leakage of question papers.

(*b*) Yes, disciplinary action was taken.

(*c*) The press was originally purchased by two ladies, one of whom was the wife of the Head Clerk. This lady is reported to have subsequently transferred her interest in the press to the other lady.

(*d*) No.

(*e*) Yes; Government considered the transfer of the Head Clerk an adequate punishment in the circumstances of the case.

Muktabs in Calcutta.

142. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the number of muktabs in the city of Calcutta aided by the Education Department and the total amount of grants-in-aid given to such institutions in each of the last three years; and

(*b*) the number of such muktabs where Bengali is taught?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) The figures are—

Year.	Number of muktabs aided.	Total amount of grants sanctioned.
		Rs.
1935-36	170	21,420
1936-37	163	20,249
1937-38	178	20,851

(*b*) Three.

Jagannath Intermediate College.

143. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) in what year or years since 1922, the Jagannath Intermediate College was made one of the Examination centres of the State Medical Faculty;

(*b*) whether the Jagannath Intermediate College received any money for the use of the hall, the laboratories, chemicals and fans, etc., of the College in connection with the examination mentioned above;

(*c*) what is the total amount received by the College under this head during those years; and

(*d*) whether these amounts were credited to the College accounts and placed before the Auditor?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): The Jagannath Intermediate College was never made a centre for the State Medical Faculty Examination. The facts are these: As the Dacca Medical School has no laboratories, the authorities of the school were in difficulties in conducting the practical examination of their students at the Dacca centre and asked the help of the Principal of the Jagannath College. The theoretical examination was on one occasion held in the Jagannath College and on two or three occasions the practical examination. All such occasions were during the College vacation. The College did not charge for showing this courtesy to a sister Institution in difficulty. The Medical School authorities spent certain sums in

remunerating certain members of the staff and menials of the Jagannath College for invigilation work and in the purchase of certain chemical and other materials on the requisition of the Visiting Examiners.

The Jagannath College had nothing to do with this expense and there was no question of crediting anything to the College Fund.

144. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) whether a certain amount of money is realised every year from students of the Jagannath Intermediate College as annual sports entry fees;

(b) whether this income is entered in the accounts of the College and placed before the Government Auditor for audit; and

(c) what amount has been realised under this head from 1st January, 1923, up to 31st March, 1938?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (a) I have been informed by the Principal of the College that a nominal entry fee is charged, and on certain items only, but not rigidly enforced nor even realised in the end from intending entrants. The only object is to avoid multiplication of candidates who are not serious. Thus, heavy outlay in the making of sports materials for an unwieldy number, which outlay would be wasted, is saved.

The amount has varied from year to year from Rs. 12 to about Rs. 20 and is spent entirely in making preliminary arrangements of a varied character, e.g., the inspection and fixing of the different alternative tracks for the major events, e.g., the 25 miles road cycle race, the cross-country race, and the walking contest, both extending for over seven miles across village roads and fields, and varying from year to year, and other multifarious items of small but necessary expenditure including conveyance charges and refreshments for the workers. As this forms no part of the Sports Fund, it is not entered in the account. The expenditure on the Sports Fund proper is always scrutinised by the Government Auditor.

(b) and (c) These questions do not arise.

Appointment of stenogra

145. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: (a) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether a resolution was passed by the old Legislative Council in August, 1933, recommending to Government that so

long as suitable Bengalis or persons domiciled in Bengal were available for particular posts, no non-Bengalis would be appointed?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) how many non-Bengali stenographers there are in the Bengal Secretariat holding permanent and temporary appointments: and

(*ii*) the names of successful candidates both Bengalis and non-Bengalis in order of merit who were successful at the recruitment examinations held by the Public Service Commission in the years 1937 and 1938 for the post of Secretariat stenographers?

(*c*) Does the Hon'ble Minister propose to stop the appointment of non-Bengali stenographers or to retain those who have already been taken temporarily till the total absorption of the successful Bengali candidates into such posts?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) (*i*) Eight, four permanent and four temporary.

(*ii*) The names of successful candidates are given in statements placed on the Library table.

(*c*) I am afraid that the supply of good stenographers is nowadays so much below the demand for them that neither of the steps proposed would be justified.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state why, in spite of the list of the successful candidates showing that there were competent Bengalees who had passed the recruitment examination, they were not taken in permanent posts while permanent posts were filled up by non-Bengalees both in 1937 and 1938?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice.

Communal disturbances in the villages of Rajnagar and Fajilpur.

146. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if the attention of the Government has been drawn to the report in the newspapers about an incident in which some houses of Hindus were raided by some Mussalmans on the 1st February, the *Id* day, in the villages of Rajnagar and Fajilpur in Feni subdivision (district Noakhali);

(b) if it is a fact that for some weeks past a rumour was being spread among the ignorant mass that Hindus would stop cow sacrifice and that for this purpose they had imported 1,100 up-country *goondas;*

(c) whether it is a fact that some people of the said places were openly preaching a boycott of Hindu shops during the *Id;*

(d) whether the local authorities did take any steps to counteract such a propaganda for allaying the apprehensions of the people and for preventing any untoward occurrence; and

(e) whether any attempt was made to ascertain the identity of the persons who were responsible for such propaganda?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) Yes, but no house at Fazilpur was raided.

(b) A vague rumour was afloat in a few places to the effect that Hindus might obstruct *Korbani.*

(c) No.

(d) Yes.

(e) Attempt was made to ascertain the source of the vague rumours.

147. **Rai Bahadur MANMATHA NATH BOSE:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that on the 1st February, the *Id* day, when the Mussalmans of Rajnagar and Fajilpur were saying their *Id* prayer, all on a sudden a false rumour was spread by some miscreants that about 1,100 up-country *goondas* were hiding in the adjacent houses of Jagat Mahajan, Rajani Seal and Akhoy Mahajan, all rich money-lenders, and that an infuriated Moslem mass armed with sticks and other weapons raided those houses, assaulted the inmates, destroyed some articles and mutilated the family deity?

(b) Is it a fact that information of this incident was lodged with the local police by a chaukidar?

(c) Was any action taken on this information and whether any case has been started or has any investigation been made or is being made for starting proceedings against the accused?

(d) Are the Government aware that the local Hindus had been cowed down being threatened by the leaders of the mob and did the local Hindus leave behind their wealth and house to take shelter in a safe place like Feni town?

(e) Have the local authorities taken any step to allay the fears of the local Hindus?

(*f*) Is it a fact that just before the occurrence of the rioting and looting, a mass meeting was held at Basurhat under the presidency of a member of the Bengal Legislative Assembly and is it a fact that inflammatory speeches were delivered in the said meeting rousing communal passion?

(*g*) Has the Hon'ble Minister called for any report about the incident and the actual situation?

(*h*) Does the Government propose to enquire whether the local officers took proper steps to prevent such occurrence and does Government propose to take any steps to punish such officers for their failure to perform their duties properly?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Acting on a false rumour that some up-country Hindus were kept concealed to prevent cow slaughter, some Moslems caused minor damages to four Hindu houses in Rajnagar, Feni police-station, on the *Bakri-Id* day.

Four cases of trespass and mischief were started and reported true but allegations that any deity was mutilated were not substantiated.

(*b*) Information was carried by a chaukidar and other informants.

(*c*) Yes, cases were started and duly investigated.

(*d*) No.

(*e*) Yes. An armed force of one head constable and six constables was immediately posted to patrol the area. The Subdivisional Officer, Feni, held a series of meetings and was able to restore amicable relationship between the communities.

(*f*) No such meeting was held just before the occurrence of this incident.

(*g*) Reports were duly submitted by the local authorities.

(*h*) Government is satisfied that adequate steps were taken by local officers and the question of punishing officers does not arise. On the other hand, they ought to be complimented.

Political prisoner Srijut Ajit Lal Mazumdar.

***148. Mr. NARESH NATH MOOKERJEE:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware that one Srijut Ajit Lal Mazumdar is a political prisoner, now lodged at Dum-Dum Jail?

(*b*) Is it a fact that he was sentenced to five years' imprisonment and that more than half of the sentence has been served?

(*c*) Is it a fact that the said Ajit Babu is suffering from various ailments for some time past?

(*d*) Is it a fact that five years' imprisonment order was passed by the trial court on Ajit Babu on the ground of his being a prominent offender in the Titaghur Conspiracy Case, and is it a fact that subsequently he was acquitted of the charges brought against him in the said conspiracy case?

(*e*) If the answer to part (*d*) of the question be in the affirmative, has the Hon'ble Minister considered Ajit Babu's case in order to find him fit for release according to the recent statement on Government's policy in the matter of release of prisoners convicted of terrorist crimes?

(*f*) If so, when is he expected to be released; and if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) to (*f*) Do not arise.

Outbreak of 'Meningitis' in Police Training College at Sardah.

*149. **Khan Bahadur KAZI ABDUR RASHID:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether there has been an outbreak of Meningitis in the Police Training College, Sardah, and that about 5 constables have already died and several others are in the hospital in a serious condition?

(*b*) Is it a fact that it has created a panic in the college and that regular work is not being done owing to the outbreak of Meningitis there?

(*c*) Does the Government propose to close the college for some time?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes. Five recruits had an attack of Meningitis—3 of whom died and the remaining 2 are out of danger and on the way to recovery now. There has been no new case for a month.

(*b*) There is no information that there was a panic in the college. There was a temporary dislocation of work in the college. Normal work has, however, since been resumed.

(*c*) As there has been no fresh case for a month, Government does not propose to close the college.

Burma riot.

150. **Khan Bahadur ATAUR RAHMAN (on behalf of Mr. Nur Ahmed):** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what steps have been taken by the Government

* Questions Nos. 148 and 149 were not put by the members when their names were called out by the Mr. President.

of Bengal in bringing to the notice of the Government of India about the recrudescence of attacks on Indian life and property in Burma and for the adoption of effective measures to protect and secure measures for Indian life and property at present in Burma?

(b) Has the Government of Bengal taken any steps to make a strong representation to the Government of India urging the immediate and urgent necessity of taking early steps by Government of India with a view to impress upon Government of Burma the gravity of the situation and its responsibilities to Indian population now living in Burma?

(c) Has the Government of Bengal made any representation to Government of India urging the desirability of sending an Indian Commision to study the conditions of Indians resident in Burma, and of appointment of an agent of higher status in Burma preferably a non-official Indian who will command the respect and confidence of all communities?

(d) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many Bengalis lost their lives and how many were injured and how many were stranded as a result of riots in Burma in the months of July, August and September, 1938?

(e) Will the Hon'ble Minister be pleased to state in detail the steps taken by the Government of Bengal to protect life and property of Bengalis living in Burma and the measures to be taken by the Government to protect life and property of Bengalis in Burma?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a), (b) and (e) In August last the Government of India were asked to impress upon the Government of Burma the grave concern felt in the Province of Bengal regarding the safety of its citizens in Burma and to express the hope that adequate measures would be taken to secure their protection. To this request a reply was received from the Government of India indicating that action had been taken on the lines desired. The attention of the Government of India was also drawn to the debate on the special motion by Mr Abdur Rahman Siddiqui in the Bengal Legislative Assembly on the 24th August, 1938. In September the Government of Burma appointed a Riot Inquiry Committee which has since published an interim report.

(c) No.

(d) The information was asked for on the 22nd August, 1938, but has not yet been received. The matter has not been pursued in view of the appointment of the Committee in whose report the ascertained facts may be expected to be set forth.

Council Library.

151. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Home Department be pleased to state as to what decision has been arrived at in regard to the independent or the joint library for the Council?

The Hon'ble Khwaja Sir NAZIMUDDIN: The matter, which is interconnected with the question of building accommodation for the Legislature, is still under consideration.

Inroad of Meghna at Char Badu.

152. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether it is a fact that about three thousand people belonging to about three hundred families have been rendered homeless by the inroad of the Meghna at "Char Badu", a *khas mahal* area within the Sandwip police-station of the Noakhali district;

(*b*) whether it is a fact that all their lands have been washed away; if not, how much has been left;

(*c*) whether it is a fact that nine persons have died in the meantime there for want of food;

(*d*) whether it is a fact that several people there are on verge of death;

(*e*) whether the local authorities have visited the place; if so, when, and when they have submitted their report; and

(*f*) whether Government proposes to take immediate action to protect the lives of those people by granting gratuity and loans and by supply of lands for cultivation; and what measures Government has taken so far?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) About a hundred yards are being washed away annually by the Meghna from Char Badu in the north-east part of Sandwip. Some two hundred and fifty families mostly of *patnis* have had to shift their thatched sheds further inland.

(*b*) No. The *patnis* had approximately 556·03 acres of land of which 323·17 acres have been diluviated in 3 years leaving 232·86 acres unaffected.

(*c*) and (*d*) No.

(*e*) Yes, on the 19th and 27th to 29th January, 1939. Report submitted on the 31st January, 1939, 6th February, 1939, and 20th February, 1939.

(*f*) No gratuity or loan is called for. The *patnis* themselves wanted nothing more than work to earn a living and land to build houses on. They are being offered both.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if these *patnis* were offered lands for cultivation not merely to build houses in view of the fact which appears from answer (*b*) that more than half the lands were washed away by the river Meghna?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They are not cultivators. They do not live on cultivation, so they do not want land for cultivation. They wanted land for building their houses, and they wanted work. Government have offered them work.

Mr. LALIT CHANDRA DAS: Does the Hon'ble Minister mean to convey the idea that 323 acres of land were covered by their huts and were not lands for their cultivation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They do not depend on cultivation. That is what I said.

Mr. LALIT CHANDRA DAS: I have not asked the Hon'ble Minister whether they depend on mere cultivation or not. I do ask whether with respect to the lands measuring 323 acres, these *patnis* depended on cultivation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government made a thorough enquiry into the matter and are satisfied that even if lands were granted to the *patnis*, the lands will not remain with them. They will be taken away by their rich neighbours. So, Government thought it was useless to offer them lands for cultivation.

Mr. LALIT CHANDRA DAS: Did they ask for lands for cultivation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Notification of the Additional Collector of Chittagong.

153. Khan Bahadur ATAUR RAHMAN (on behalf of Mr. Nur Ahmed): (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to refer to his replies to my question No. 123,

answered on the 8th February, 1939, and to state whether his attention has been drawn to a notice issued by the Additional Collector of Chittagong, Mr. P. N. MacWilliam, notifying that the penalty at the rate of 20 per cent. would be charged for releasing estates from revenue sale?

(b) Will the Hon'ble Minister be pleased to state if the rate of penalty has been raised under his instruction? If not, does he propose to take immediate action in the matter and to send definite instruction to the Additional Collector to reduce the rate to a reasonable percentage, so that hardship may not be caused to the defaulting proprietors and *jotedars*?

(c) Will the Hon'ble Minister be pleased to state why the rates of penalty, to be charged, have been raised in supersession of the notification referred to in my question No. 123 of the 8th February, 1939, and does he propose to issue some definite and specific orders to the Collector suggesting reasonable rates of penalty to be charged? If not, why not?

(d) Is the Hon'ble Minister aware that the number of petty estates in the district of Chittagong is larger than those existing in any other district and is he aware that the imposition of such high rates of penalty of 18 per cent., 20 per cent. and 25 per cent. is causing great hardship to the owners of the petty estates?

(e) Has the attention of the Hon'ble Minister been drawn to a notice issued by the Khas Tahsildar of Chittagong stating that the *khas mahal jotes* paying rent above Rs. 10 would be sold under the provisions of Act XI of 1859 and penalty shall be charged at the same rates as in the case of revenue-paying estates under special power given by the Board of Revenue? If so, will the Hon'ble Minister concerned be pleased to state why such power has been given by the Board of Revenue and does he propose to take any action in the matter to save the *jotedars* from payment of heavy penalties? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Yes.

(b) The rate of penalty was not raised under Government orders. The Board of Revenue has since directed the penalty to be levied at the rates previously in existence pending investigation of the reasons for the increase notified by Collector.

(c) and (d) The matter is under enquiry.

(e) Yes, but the limit of Rs. 10 in the notice was a misprint for Rs. 100.

The power of applying the Sale Law to the *khas mahal jotes* has been conferred on the Collector not by the Board of Revenue, but by section 11 of Act VII of 1868.

Headquarters of the Noakhali district.

154. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what decision, if any, has been arrived at, regarding the head-quarters of the Noakhali district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The matter is still under the consideration of the Government.

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister be pleased to state when it is likely to be finally decided?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are trying to expedite the decision as quickly as they can. Government have to consult different administrative departments before they can frame their estimate for the acquisition of land, and that is what is causing a little delay.

Appointments in the Industries Department.

155. Mr. KHORSHED ALAM CHOWDHURY: Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

(*a*) how many appointments were made in his department in the year 1938-39 by (*i*) vacancy and (*ii*) new appointments in ministerial and menial posts; and

(*b*) how many of those appointments were given to Moslems and the depressed classes?

MINISTER in charge of the LOCAL SELF-GOVERNMENT and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibulla, Bahadur, of Dacca): A statement is laid on the table.

Statement referred to in the reply to question No. 155.

	Vacancy.	New appointments.	Total.	Filled up by Muslims.	Filled up by depressed classes.
Clerical ..	8	19	27	13	3
Menial ..	7	62	69	39	4

Grant to industrialists.

156. Mr. KHORSHED ALAM CHOWDHURY: Will the Hon'ble Minister in charge of the Industries Department be pleased to lay on the table a statement showing—

(a) the number of industries that received State aid;

(b) the amount granted to each;

(c) whether loss incurred; if so, the amount advanced and the ratio of loss—each separately; and

(d) how many industrial institutions received capital through Financing Syndicate?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) and (b) A statement is laid on the Library table.

(c) No.

(d) 19 industrialists received funds to the extent of Rs. 91,000 through the syndicate known as the Industrial Credit Syndicate.

The beggar problem of Calcutta.

157. Mr. H. P. PODDAR: (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government are aware of the fact—

(i) that the beggar problem of Calcutta has been growing more menacing day by day;

(ii) that in and around every part of Calcutta the beggars, the lepers, the diseased, the cripples and the nude move freely and openly, and is he aware of the fact that such free movements disseminate virulent infection and present loathsome and obscene sight; whether he is aware of the fact that such free movements seriously reacf upon our public health and also upon our social hygiene, particularly upon the minds and the morality of our youngsters;

(iii) that the number of these beggars is over 15 thousand;

(iv) that about half of this number is imported from outside Bengal; and

(v) that owing to the absence of any statutory law for regulating these beggars many people have been using these beggars as merchandise and are running regular trade?

(b) If the answers to part (a) are in the affirmative, will the Hon'ble Minister kindly state what steps he is going to take to stop these evils?

(v) Does the Government propose to take steps to stop the importation of beggars from outside Bengal and does it propose to send back those already imported to their respective homes, and to seriously deal with those trafficking in beggars?

The Hon'ble Nawab Khwaja HABIBULLAH, Bahadur, of Dacca: (a) (i) and (ii) Begging is prevalent throughout the city of Calcutta. The police take action on complaint when the conduct of the beggars is such as to constitute a public nuisance or a source of annoyance to the public. Government have no reason to think that the presence of these beggars constitutes a source of serious danger to the health or morality of the city.

(iii), (iv) and (v) Government have no definite information on these points. In 1936, the Rotary Club of Calcutta estimated that there were about 4,000 beggars in the city and that about 50 per cent. of this number came from outside Bengal.

(b) and (c) In 1936 the Rotary Club of Calcutta approached Government with a scheme for dealing with the question in all its aspects and the matter was referred to the Corporation of Calcutta for their opinion. The views of the Corporation have been received and the matter is under the consideration of the Government.

Passenger sheds and godowns for the low platforms in stations between Midnapore and Adra.

158. Rai Bahadur MANMATHA NATH BOSE: Has the attention of the Hon'ble Minister in charge of the Communications and Works Department been drawn to the complaint made by the public and also in the newspaper for want of passenger sheds and godowns and for the low platforms in stations between Midnapore and Adra? If so, does the Hon'ble Minister intend to take steps to remedy the grievances?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): All stations between Midnapore and Adra except Bargi Road have got waiting halls for passengers. The construction of a new station building with a waiting hall at Bargi Road is being started shortly.

Goods sheds have already been provided at Midnapore, Garbeta, Vishnupur, Bankura and Adra.

Requests from merchants have been received for the provision of goods sheds at Salboni and Jhantipahari. So far as Salboni station is

concerned, the matter is under consideration. As regards Jhantipahari, the traffic at this station, did not justify the provision of a goods shed.

Standard type raised platforms have been provided at all stations between Midnapore and Adra with the exception of Bheduasole and Sirjam stations. At these two stations the expenditure involved in the provision of raised platforms is not justified by the passenger traffic.

Meghna Bridge.

159. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*). Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that wagon loads of stones were thrown into the midstream and sides of the river Meghna adjoining the Meghna Bridge during the last rains, by the Assam Bengal Railway authorities?

(*b*) Is the Government aware that the said action would make the water of the river shallow and affect the natural drainage and public health of the locality?

(*c*) Were the Public Health authorities consulted before the Railway authorities adopted the said measures? If not, why not?

(*d*) If the reply to clause (*b*) is in the affirmative, what steps does the Hon'ble Minister propose to take to see that the public health may not be affected owing to the protective measures for the Meghna Bridge?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) A certain quantity of stone metal was placed round three of the piers of the bridge.

(*b*) I am informed that there has been an increase in depth in the vicinity of the piers. The effect on drainage and health, of the form of protection adopted will be watched.

(*c*) No. Presumably because the protection of bridges in this way is the usual practice.

(*d*) Does not arise.

Agricultural indebtedness.

160. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Khan Bahadur Saiyed Muzzamuddin Hosain): (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether he is aware that during the depression of 1930-35, the prices of agricultural produce suddenly fell

by 50 to 100 per cent. of the natural price and is it a fact that since then most of the agriculturists could not pay their dues to their creditors and landlords?

(*b*) Is it not a fact that the agriculturists cannot recoup their economic condition unless some relief is given to them by writing off a substantial portion of such dues?

(*c*) Does the Government propose to take legislative measures for giving relief to the agriculturists at least on the lines of the Madras Agriculturists Relief Act of 1938 (Act IV of 1938)?

(*d*) Does the Government propose to appoint a Committee to go into the questions of agricultural indebtedness and relief?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) During the period, referred to, the price of rice fell by about 30 per cent. and the price of jute fell by between 50 and 60 per cent. It is a matter of opinion how far agriculturists were unable to meet their dues to their landlords and other creditors.

(*b*) It is a matter of opinion to what extent the debts of agriculturists require to be reduced in order to enable them to recoup their economic condition.

(*c*) No: the Bengal Agricultural Debtors Act is already affording the necessary relief.

(*d*) No: the Board of Economic Enquiry have already made an investigation and their report was published.

Dust nuisance in Midnapore town.

161. Rai Bahadur MANMATHA NATH BOSE: (*a*) Is the Hon'ble Minister in charge of the Public Health and Medical Department aware that dust nuisance and other insanitary conditions prevailing in the town of Midnapore is a menace to the health of the people living there and that tuberculosis and other lung diseases according to local doctors are steadily on the increase?

(*b*) If so, will the Hon'ble Minister be pleased to make necessary enquiries and call for a report from the Director of Public Health, Bengal, asking him to suggest therein suitable remedies for the evil complained of?

MINISTER in charge of the PUBLIC HEALTH, MEDICAL, AGRICULTURE and VETERINARY DEPARTMENTS (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes.

(*b*) The Director of Public Health has already caused an enquiry to be held into the insanitary condition of the Municipality and has suggested certain remedies. The whole matter is now under my consideration.

Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister be pleased to lay the report of the Director of Public Health on the table and send me a copy thereof?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am prepared to do so.

Indian Mental Hospital.

162. Mr. RANAJIT PAL CHOUDHURY: (*a*) Does the Government propose to direct the Superintendent of the Indian Mental Hospital, Ranchi, to continue recruitment of larger number of Bengali warders, till the percentage is proportionate to the contribution to the hospital by the Government of Bengal?

(*b*) Is the Hon'ble Minister aware that claim of even the few Bengali temporary warders to permanent vacancies is being ignored in preference to the local people with less experience?

(*c*) Is it a fact that the present system of recruitment of warders depends only on the selection of one officer of the institution?

(*d*) Does the Government propose to insist that three-fourths of the medical, nursing and clerical staff of the said institution be recruited from amongst the Bengalis?

(*e*) Does the Government propose to move the Government of Bihar to appoint a Service Committee consisting of local non-official visitors of the institution and of Bengalis, domiciled or otherwise, for recommending all appointments for the institution, excepting the medical staff.

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) The Managing Committee of the Ranchi Indian Mental Hospital have already passed a resolution to this effect which is being given effect to and as many suitable Bengali candidates as are available are being recruited with due regard also to adequate representation of different communities.

(*b*) No.

(*c*) Yes. The selection rests with the Superintendent.

(*d*) and (*e*) In view of the reply to clause (*a*) above, I do not think that any further action is immediately necessary but the matter will receive further consideration.

Mr. RANAJIT PAL CHAUDHURI: Arising out of answer (*a*), will the Hon'ble Minister be pleased to state how many Bengalees have since been recruited for service in this hospital?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Mr. RANAJIT PAL CHAUDHURI: Arising out of (*c*), is it a fact that selections are made by the First Assistant Superintendent and are merely approved by the Superintendent?

The Hon'ble Mr. TAMIZUDDIN KHAN: That may be so, Sir, I am not sure.

Mr. RANAJIT PAL CHAUDHURI: Is it not a fact that it is the Superintendent who is to make the selection?

The Hon'ble Mr. TAMIZUDDIN KHAN: If the selection is finally approved by the Superintendent, it may be taken that it is he who makes the selection.

Mr. RANAJIT PAL CHAUDHURI: Arising out of answers (*d*), and (*e*), I find that the answer given relates only to the recruitment of warders: but what about the recruitment of the other staff, such as the medical and the nursing staff?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, a resolution has been passed with respect to the appointment of all classes of employees.

Mr. RANAJIT PAL CHAUDHURI: Sir, the answer relates to the recruitment of warders only, but it does not make it clear how recruitment of the other staff is made, namely, to the medical and clinical staff.

The Hon'ble Mr. TAMIZUDDIN KHAN: My answer is that the resolution referred to relates to the appointment of all classes of employees.

Mr. RANAJIT PAL CHAUDHURI: On a point of personal explanation, Sir. I am afraid the Hon'ble Minister has not understood my point. He says in answer (*a*) that the Managing Committee of the Ranchi Indian Mental Hospital have already passed a resolution to this effect which is being given effect to, and that as many Bengalees candidates as are available are being recruited with due regard also to the adequate representation of different communities. Then he goes on to say that——

Mr. PRESIDENT: I am afraid, this supplementary question does not arise out of the question now before the House.

Mr. RANAJIT PAL CHAUDHURI: I am very sorry, Sir, I now find that it relates to another question.

168. **Mr. RANAJIT PAL CHAUDHURI:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Medical Department aware of the preferential treatment given to the Bihari staff employed in the Indian Mental Hospital in relation to the Bengali staff?

(*b*) Is the Government aware that the Second Assistant Superintendent of the Indian Mental Hospital who hails from Bengal has been superseded by the present First Assistant Superintendent who belongs to Bihar and is Government also aware that the latter is much junior in service to the former?

(*c*) If so, does the Government propose to move the Government of Bihar to compensate the Second Assistant Superintendent for his loss due to his supersession?

(*d*) Is the Government aware of the fact that the prescribed period of deputation of each Assistant Surgeon to the Ranchi Indian Mental Hospital is only two years and is it a fact that the First Assistant Superintendent is still being retained in his present appointment though he has completed his full term of two years?

(*e*) Is it a fact that the percentage of Bengali patients in the Indian Mental Hospital is much larger than that of other patients and will the Government take proper steps for the appointment of a Bengali Superintendent for the institution for the convenience of the Bengali patients?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) No preferential treatment is given to the Behari staff over the Bengali staff.

(*b*) The post of the Second Assistant Superintendent is being held for the last few years by an Assistant Surgeon from Bengal who was selected by the Bengal Government for training in mental diseases for two years out of which the present Second Assistant Superintendent has only completed one year and two months. The present First Assistant Superintendent, Dr. Abul Muzaffar, has already had an experience of two years as Second Assistant Superintendent and 4 months as First Assistant Superintendent previously in 1931, and was appointed as First Assistant Superintendent in April, 1936. He had already served in that capacity for one and a half years when the present Second Assistant Superintendent was deputed by the Bengal Government; so there is no question of supersession of the latter by the former.

(c) Does not arise.

(d) There is no prescribed tenure of appointment for the First Assistant Superintendent. The two years' limitation applies only to the Second Assistant Surgeon deputed by the Government of Bengal and the subordinate Surgeons.

(e) The percentage of Bengali patients being 75 per cent. of the total number of patients is much larger than that of other patients. An expert in the speciality of mental diseases is selected as Superintendent. I am not inclined to subscribe to the view that the convenience of the Bengali patients cannot be looked after except by the appointment of a Bengali Superintendent.

Mr. RANAJIT PAL CHAUDHURI: With reference to answer (b), is it a fact that the present First Assistant Superintendent is junior by three years to the Second Assistant Superintendent?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know that but as regards his appointment in the Mental Hospital, he is senior.

Mr. RANAJIT PAL CHAUDHURI: Arising out of answer (e), is the Hon'ble Minister aware that the European Mental Hospital Committee passed a resolution stating that they wanted an European I.M.S. as a Superintendent; if so, why cannot the same apply to the Indian section?

The Hon'ble Mr. TAMIZUDDIN KHAN: That question can be considered when a vacancy occurs.

Surgeon Superintendent of the Mayo Hospital.

164. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(a) whether he is aware that a British Medical Practitioner has been very recently appointed as Surgeon Superintendent and Secretary to the Mayo Hospital, Calcutta, on a monthly salary of Rs. 525;

(b) what was the requisite qualification necessary for the appointment to such a post and how many persons applied for the same and of what nationality and qualifications;

(c) what were the grounds upon which a British Medical Practitioner was appointed in preference to many qualified Indians; and

(*d*) whether the Selection Committee followed the ordinary procedure and rules as usually observed in making such appointment?

The Hon'ble Mr. TAMIZUDDIN KHAN: The Mayo Hospital is not a State hospital but a private institution to which Government make an annual grant-in-aid. The management of the institution vests entirely in the Board of Governors and Government are not in any way responsible for appointment of members of the staff of the institution.

The post of Surgeon Superintendent of the Hospital was hitherto held by the Professor of Ophthalmology of the Medical College Hospitals in accordance with a long standing practice and a vacancy recently occurred owing to Lieutenant-Colonel Kirwan having resigned from the post.

The vacancy was advertised by the Governors and the qualification laid down for the candidate was that he should be in possession of higher qualification in Medicine and Surgery and should preferably possess administrative experience.

There were 23 applicants whose names and academic qualifications are shown in the list placed on the table.

Dr. F. H. B. Norrie, M.D., CH.M., F.R.C.S. (EDIN.) was selected for the post by the Board of Governors. The preliminary selection was first made by a Selection Committee and it is understood that the usual procedure for making selections was followed.

Statement referred to in the reply to question No. 104, showing the list of applicants with their qualifications for the post of Surgeon Superintendent and Secretary, Mayo Hospital, Calcutta.

1. Major P. Bardhan, M.B. (CAL.), M.R.C.P. (E.), F.R.C.S. (E.).
2. Dr. R. A. Barlow, B.SC., M.B., CH.B., F.R.F.P.S.G.
3. Dr. Archie Norman De Quadros, M.B., B.S., D.P.H., F.R.C.S.
4. Dr. F. H. B. Norrie, M.D., CH.M., F.R.C.S. (E.).
5. Dr. J. F. Coltman, M.D.B.S.L.D.S.
6. Dr. R. Mansoor, M.D. (DURH.), D.P.H. (ENG. AND EDIN.).
7. Captain S. K. Ray, M.B.
8. Dr. E. S. Fennell, M.R.C.P. (EDIN.).
9. Dr. S. R. Chatterjee, M.B.B.S., M.D. (DURH.).
10. Captain S. C. Dutt, M.B., A.I.R.O.
11. Dr. J. N. Sen Gupta, L.M.F., M.R.C.S., L.R.C.P.
12. Dr. P. Roy, M.B. (CAL.), F.R.F.P.S. (GLASG.).

13. Dr. Subodh Dutta, M.B., L.M., F.R.C.S. (EDIN.).
14. Dr. S. C. Sen Gupta, M.B., CH.B., F.R.C.S. (EDIN.), M.D. (EDIN.).
15. Dr. S. K. Sen, M.B.B.S., F.R.C.S.E.
16. Dr. D. C. Mazumdar, M.B., M.R.C.P.
17. Lieutenant-Colonel P. Banerjee, I.M.S.
18. Dr. Rai Bahadur Harendranath Das, M.A., M.D. (CAL.).
19. Dr. J. C. Chatterjee, M.B.
20. Dr. P. Sanyal, M.B. (CAL.), L.R.C.P., (LOND.), F.R.C.S. (ENG.).
21. Lieutenant-Colonel A. N. Palit, O.B.E., F.R.C.S. (EDIN.), M.C.O.G., I.M.S. (Retired).
22. Captain H. C. Mallik, M.B., B.SC., A.I.R.O.
23. Dr. Amiya Kumar Sen, M.B. (CAL.), D.P.H. (LOND.), F.R.C.S. (ENG.).

Damage of crops in certain villages in Tippera.

165. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) whether the attention of the Government has been drawn to the fact that the crop in an area of 4½ square miles in No. 9, Gokarna, under police-station Nasirnagar, district Tippera, known as Akashi Math, comprised of villages Gokarna, Jethagvam, Chaearkuri, Suchiura, Dighar, Chaitpara, Pathanishah and other villages, is completely damaged every year by water-hyacinth;

(*b*) whether the aforesaid matter has been brought to the notice of Government by the local authorities and by memorial submitted by the residents of the locality;

(*c*) whether the extent of the damage estimated in the value of the crops would be at least Rs. 80,000 per year;

(*d*) whether the zemindar of Sarail Parganas realises about Rs. 6,000 as rent annually for these lands from the cultivators;

(*e*) whether the Government or the zemindar has taken any steps to relieve this situation and to prevent this recurring damage;

(*f*) whether the residents of the locality approached the Government with a proposal for helping them with a loan of Rs. 12,000 payable in four instalments in four years for adopting some measures by them to prevent the damage by water-hyacinth;

(*g*) whether the people of that locality asked for gratuitous relief; and

(*h*) what steps, if any, the Government intend to take to remedy this evil?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Crops in parts of Gokarna Union are liable to damage by water-hyacinth to some extent. It is an exaggeration to state that the crop is completely destroyed every year by water-hyacinth.

(*b*) No, but the local officers are aware of the conditions in this part of the district.

(*c*) and (*d*) I have no reliable estimates of the average damage done to crops or of the rent for the area realised by the Sarail zemindar.

(*e*) Agricultural loans are freely given by Government to relieve the situation.

With a view to making a determined attack on the water-hyacinth pest Government are organising a Water-Hyacinth Week in April next and it is expected that considerable benefit will be derived from it.

It is also understood that a few years ago the zemindar of the locality expressed his willingness to assist the tenants in measures to control the pest and that at the suggestion of the Commissioner and the Collector, he has, at present, under consideration the appointment of a qualified engineer to advise on measures which may be usefully taken to control the weed.

(*f*) and (*g*) No.

(*h*) I am ready to consider any sound scheme which may be prepared by the zemindar and the local residents for remedying the situation.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether local residents petitioned Government to the effect that there is a big *khal* starting from the south-western corner of village Gokarna which falls into the river Titash and that that *khal* should be re-excavated? If so, should not that *khal* be re-excavated at the cost of Government so as to give the people necessary relief from the water-hyacinth pest?

The Hon'ble Mr. TAMIZUDDIN KHAN: That may be so; I am not aware of it. If my friend wants a definite answer, I want notice.

Mr. PRESIDENT: Order, order. I understand from the Council Department that there are still five questions outstanding from the last session and that they all belong to the Education Department. Two of these questions are outstanding from the middle of February and two

others from the first week of March. May I have an assurance from the Hon'ble Minister that these questions will be answered at an early date?

The Hon'ble Mr. A. K. FAZLUL HUQ: Most certainly, Sir.

Khan Bahadur ATAUR RAHMAN: I have also got a question unanswered which belongs to the Home Department.

Mr. PRESIDENT: Well, the Secretary will enquire into the matter.

The House will now proceed with questions put down for answer during current Session.

Replies to Questions of the Current Session.

Assistant Director of Public Instruction for Muhammadan Education.

1. **Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether Khan Bahadur M. Moula Bux was Assistant Director of Public Instruction for Muhammadan Education;

(*b*) whether he is still in service; and

(*c*) if so, how many extensions have been given to him and how many years of Government service has he been running?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*b*) Yes.

(*c*) He was due to retire on the 16th May, 1935, but has since been retained in the interest of the public service. He entered Government service on the 11th March, 1902.

Mr. LALIT CHANDRA DAS: Does the Government mean to say that an efficient educationist like Khan Bahadur Moula Bux is not available among the Muhammadan community to fill his place, although his retirement should have taken place as far back as 1935?

The Hon'ble Mr. A. K. FAZLUL HUQ: All extensions have been stopped now, and the Khan Bahadur is to retire on the first of June this year.

Khan Bahadur KAZI ABDUR RASHID: With reference to (*c*), will the Hon'ble Minister please state whether the present incumbent ever applied for any extension of his service himself as well as the total length of the period of extension granted to him?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not remember exactly how many extensions were granted to him, but this I know that he himself did not apply for any extension. It is the Education Department that went up to Government for his extension.

Extension of the Doctor Khastgir High English School.

2. **Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if a piece of land was acquired some years ago at Chittagong for the extension of the Doctor Khastgir High English School at Chittagong and a plan and estimate was prepared and necessary sum was sanctioned for the construction of an additional building for additional accommodation of girls in the said school? If so, why has not the work been started and when will the work be started?

(*b*) Is it a fact that for the removal of the congestion in the said school, it is immediately necessary to further extend the school?

(*c*) Is it a fact that the notice of the Hon'ble Chief Minister was drawn to the immediate necessity of such extension of the school by the construction of a new building on the acquired site and that he was pleased to promise to consider favourably the prayer of the school authorities? If so, what steps does the Hon'ble Minister concerned propose to take in the matter to remove this immediate grievance?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) After the land had been acquired no funds were allotted.

(*b*) Yes.

(*c*) A scheme for additional accommodation is under the consideration of Government.

Auditor-General for Bengal.

3. **Mr. KAMINI KUMAR DUTTA:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if Government contemplate taking action under section 167 of the Government of India Act, 1935, for appointing an Auditor-General for this province? If not, why not?

(*b*) Will the Hon'ble Minister be pleased to state the number of officers and clerks in the Accountant-General's Office, Bengal, who belong to this province?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) No; the existing system is economical and it is not considered desirable to make any change.

(b) I regret that the information called for cannot be supplied as it does not pertain to any establishment under the control of this Government.

Employment for released terrorist prisoners.

4. **Mr. LALIT CHANDRA DAS:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware that the Government of Assam has made provision for giving scope to the released convicted political prisoners for earning their livelihood?

(b) Does the Government of Bengal propose to make provision for giving scope to the released convicted prisoners for earning their livelihood?

(c) Does the Government propose to appoint them to Government services, if otherwise qualified, or recommend them to well-established companies to provide them with services?

(d) Has the Government any plan or does it intend to have any such plan to provide them with employment to earn their livelihood?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) I have no information.

(b), (c) and (d) Government does not regard the fact of a previous conviction for terrorist crime as a special qualification for employment and will make no special provision on behalf of such persons.

Mr. LALIT CHANDRA DAS: If the Government consider clemency to be necessary for the convicted political prisoners, do not they consider it necessary to make any provision for them after release when required?

The Hon'ble Khwaja Sir NAZIMUDDIN: Clemency is one thing and finding employment is adding something on to it.

Mr. LALIT CHANDRA DAS: Does not Government consider that making such provision will stop all actions towards terrorism?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, that is putting a premium on crime.

Mr. LALIT CHANDRA DAS: Is it not likely that men take to crime if they remain unemployed?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not always: where sufficient amount of time has elapsed for a person to feel that he has realised the mistake that he had made, clemency may be shown to him.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether removal of the ban from the Abhoy Asram is still under consideration?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, the matter is still under consideration.

Disturbances in certain villages in Narail thana:

5. **Mr. KRISHNA CHANDRA ROY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that there are some ruffians in the villages of Sankarpur and Chandibarpur in the Narail police-station, district Jessore, who have been committing arson, assaults, thefts, burglaries and damaging crops in adjoining villages for the last two years?

(*b*) Is it a fact that when any suit is filed against them in the Court, no person comes forward to give evidence against them for fear of being oppressed by them in future?

(*c*) If the answers to clauses (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state whether any steps have been taken or are intended to be taken in this matter? If so, what are they? If not, why not?

(*d*) Will the Hon'ble Minister be pleased to enlighten the House what were the number of cases of houses being set on fire, assaults, thefts, burglaries and cases of crop-damaging in the last two years?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) No.

(*c*) Does not arise.

(*d*) A statement is laid on the table.

Statement referred to in the reply to question No. 5, showing cases reported at Narail thana and the local court under the heads arson, theft, assault, burglary, and damage to crops, during 1937 and 1938.

	Arson.		Theft.		Assault.		Burglary.		Damage to crops.	
	Thana.	Court.	Thana.	Court.	Thana.	Court.	Thana.	Court.	Thana.	Court.
1937 ..	..	..	..	..	..	..	..	..	1	3
1938 ..	..	..	1	..	2	3	4	..	2	1
Total ..	..	..	1	..	2	3	4	..	3	4

Ban on Comilla Abhay Asram.

6. **Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether the Government proposes to remove the ban on the Comilla Abhay Asram without any further delay;

(b) whether the Government did not state since the 1937 Sessions that they were considering the removal of the ban at an early date; and

(c) whether the Government is aware that this institution was rendering medical and other aids mostly to the poor and that its action was highly appreciated by the general public?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) No.

(b) Government said that they were considering its removal but gave no assurance about any date.

(c) Government's information is that the main activities of this institution were of a very different character from those suggested by the hon'ble member.

Agricultural holdings.

7. **Mr. NUR AHMED:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how many agricultural holdings have passed into the hands of non-agriculturists, during the years 1928, and 1935 to 1938?

(b) Does the Government propose to pass any legislation on the line of the Punjab Land Alienation and Consolidation of Holdings Act for preventing the agriculturists from turning into landless labourers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) In the absence of a satisfactory definition of an agriculturist, it is not possible to answer this question nor, in any case, would the collection of the information be possible without an expenditure of time and labour incommensurate with the advantage likely to accrue therefrom.

(b) The question of framing a Bill is now under examination.

Expenditure under each separate head of Land Revenue Settlement.

8. **Khan Bahadur ATAUR RAHMAN (on behalf of Khan Bahadur Saiyed Muazzamuddin Hosain):** Will the Hon'ble Minister in charge of the Revenue Department kindly place on the table of the House a statement showing the figures of performance and expenditure under each separate head of Land Revenue Settlement for the last 10 years?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The hon'ble member is referred to Appendix IX to Part II of the Annual Reports on the Survey and Settlement Operations in Bengal for the last 10 years.

Training in dyeing and printing industry.

9. Khan Bahadur ATAUR RAHMAN (on behalf of Mr. Nur Ahmed): (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state what arrangement he has made for giving training to young men in the dyeing and printing industry?

(*b*) How many demonstration parties have been engaged by him to teach the people in the art of dyeing and printing?

(*c*) Is it a fact that the local Moslem Banik Karmachari Samity of Chittagong has successfully organised a printing and dyeing industry at Chittagong?

(*d*) Is it a fact that the above mentioned Samity applied to the Director of Industries to depute a demonstration party to Chittagong to give training to the youths in the art of dyeing and printing? If so, was any demonstration party sent to Chittagong for the purpose? If not, why not?

(*e*) Is it a fact that the Director of Industries directed the Secretary of the Industrial Institute at Nangalkot to arrange for training one of the men of the Samity?

(*f*) Is it a fact that the Secretary, Industrial Institute, Nangalkot, refused to undertake the training of a man sent by the said Samity on the ground that he had no spare printing machine in his school? If so, will the Hon'ble Minister be pleased to take such steps as he thinks proper to encourage this nascent cottage industry by making necessary arrangement or otherwise for training the man of the Samity in the art of printing and dyeing on the most up-to-date method?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The Department of Industries has demonstration parties for the purpose of giving training to young men in weaving, dyeing and printing. These parties are deputed to work in the different districts in accordance with local requisitions.

(*b*) Eight.

(*c*) A printing and dyeing industry has been organised by the Moslem Banik Karmachari Samity at Chittagong but I am not aware of the success achieved by them.

(*d*) Yes, an application was received but it has not been possible to send any party as yet, as all the parties have been fully engaged since then.

(e) Yes.

(f) Yes. The question of training the man will be duly considered, provided he is prepared to undergo training in such place or places as may be selected by the department.

Mr. KADER BAKSH: Arising out of answer (a) where it has been said that "the parties are deputed to work in different districts in accordance with local requisitions," may I know what is the meaning of the words "different districts," and what are the districts to which they have been sent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: "Different districts" mean districts from which the requisitions came.

Mr. KADER BAKSH: May I now ask, Sir, for the names of the districts which sent in requisitions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Khan Bahadur ATAUR RAHMAN: From answer (d) it is found that a requisition came from the district of Chittagong and the demonstration parties could not make time to go there for some reason or other. May I know the answer why that requisition was not complied with?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: We are short of men and the requisition will be attended to as soon as men are available. The members of the parties are engaged in different other districts.

Cross-bundh on the Noakhali khal.

10. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the Government has received several representations from the public of Noakhali for a cross-*bundh* on the Noakhali *khal*?

(b) Is the Government aware that such cross-*bundh* has by experiment been found to be successful in stopping the erosion of the Noakhali *khal*?

(c) If the answer to the part (a) or (b) be in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government propose to take to help the public in this matter?

(*d*) Has the attention of the Government been drawn to the report of Mr. G. A. Moore in the Quarterly Bulletin of the Central Board of Irrigation regarding the protection of the riverside towns from erosion by a cheaper type of revetment?

(*e*) Does the Government propose to have an experiment of Mr. Moore's scheme at Noakhali to protect the present headquarter of Noakhali?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) and (*e*) No.

(*c*) I do not think that the construction of a permanent *bundh* with necessary sluice for drainage, the cost of which has been roughly estimated at Rs. 10,00,000 would be justifiable; according to expert opinion it is impossible to guarantee that, even with this heavy expenditure it would be possible to save the town.

(*d*) Yes; but this has not been tried anywhere in India either in fresh or salt water and it is not known whether the revetment could stand the battering action of sea waves.

Consumption of excisable articles.

11. Khan Bahadur ATAUR RAHMAN (on behalf of Mr. Nur Ahmed): (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state if the consumption of spirit, *ganja*, opium and other intoxicating drinks and drugs has increased recently in Bengal?

(*b*) Will the Hon'ble Minister be pleased to state what were the annual receipts from the excise duty on country-spirit, *ganja*, opium, *bhang* and *tari* in Bengal during the years 1933 to 1935 and 1937-38, respectively?

(*c*) Will the Hon'ble Minister further be pleased to state if the Government is taking measures to reduce gradually the number of excise shops by raising the rates of duties levied on country-spirit, *ganja*, opium, *bhang*, *tari* and other intoxicants in Bengal or by other means?

(*d*) Is the Government prepared to issue fresh rules curtailing the hours of selling country-spirit, *ganja*, opium, *bhang* and *tari*? If not, why not?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) There was increase in the consumption of excisable articles in the year 1937-38 as compared

with that of the preceding year, but consumption is still below the figure of the year 1929-30 which represents the normal consumption prior to the depression.

(*b*) The actual receipts were as follows:—

Head.	1933-34.	1934-35.	1937-38.
	Rs.	Rs.	Rs.
Country spirit ..	31,93,992	31,81,195	39,45,130
Ganja ..	14,26,710	13,48,518	14,46,001
Opium ..	19,67,968	18,93,668	18,39,056
Bhang ..	9,719	24,693	31,291
Tari ..	3,60,520	4,03,345	3,26,065

(*c*) No. It is thought that further increase in the duty and selling price would be likely to encourage illicit distillation and smuggling.

(*d*) The existing hours of sale have been fixed to meet the genuine demands of the consuming public in different places. Government is always prepared to consider any proposal for changes coming from any place based on facts and reason.

Agricultural credit in rural areas.

12. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN): (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware of a shrinkage of agricultural credit in rural areas? If so, will he be pleased to state the reasons for such a shrinkage of rural credit?

(*b*) Will the Hon'ble Minister be pleased to state whether Government proposes to give out agricultural loans even in ordinary years to meet purely agricultural needs and to allot ten thousand rupees annually per thana for the said purpose until final decision about the establishment of agricultural banks is arrived at?

(*c*) Will the Hon'ble Minister be pleased to state what action, if any, the Government proposes to take to ease the situation with regard to agricultural credit?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes: the reasons are to be found in the difficulties which creditors have experienced in recovering their dues and in the apprehensions caused by legislation for the relief of indebtedness.

(*b*) Agricultural loans will continue to be given where necessary and will be given in accordance with the provisions of the Agriculturists

Loans Act and the rules thereunder. The amount to be given must depend on the actual needs and cannot be fixed at a specified figure.

(c) Necessary requirements of short-term credit are being provided through Co-operative Societies as far as possible.

Mr. LALIT CHANDRA DAS: Arising out of answer [illegible] steps are Government taking to restore the confidence of the creditors so that they may advance loans wherever necessary to the tenants in general?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, rules have been promulgated under the Bengal Agricultural Debtors Act and assurance has been given to the creditors that they may assist their poor neighbours by offering them credit to the tune of Rs. 50 which will not be affected by the Bengal Agricultural Debtors Act.

Mr. LALIT CHANDRA DAS: Has any assurance been given that so far as the realization of the credits is concerned, the debtors will do so within a reasonable period of time?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Though they come before the Debt Settlement Boards, their cases depend upon the awards made by these boards in the end.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that cases are pending for quite a long time with the board without being decided even for over two years?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not over two years, but for some time thereabout. I had occasion to explain in connection with a motion some time back that to start with these boards will take some little time because they have to take to the working of these boards on the basis of the Bengal Agricultural Debtors Act, but all attempts are now being made to hurry up all these cases as far as possible

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether any minimum period has been fixed within which the Debt Settlement Boards have been asked to finish the cases, say six months?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is the time which has been taken to be the average time in which to get to the end of each and every one of the cases.

Mr. LALIT CHANDRA DAS: Have all the Debt Settlement Boards been circularised that the Government's intention is that the cases should be disposed of within six months?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Instructions have been sent to Collectors and it is expected that the Collectors have intimated these to the boards concerned.

Marketing of paddy, rice and jute.

13. Khan Bahadur ATAUR RAHMAN (on behalf of Mr. Nur Ahmed): Does the Hon'ble Minister in charge of the Agriculture Department propose to undertake any legislation for regulation of internal markets and marketing of paddy, rice and jute in Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, I have prepared an Agricultural Produce Markets Bill which is under examination. I hope to introduce it in the Assembly soon.

General Council and State Faculty of Homeopathic Medicine.

14. Khan Bahadur ATAUR RAHMAN (on behalf of Mr. Nur Ahmed): (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state if he is aware that the Homeopathic system of medicine is largely used by the people of Bengal, especially by the poorer section?

(*b*) Has the Government taken any steps to regulate this system of medicine and to set up a Board and Faculty of Homeopathy system of medicine? If not, does the Government propose to establish the same in future? If not, why not?

(*c*) How many Homeopathic dispensaries have been started in Bengal either by State or by Local Bodies of Bengal?

(*d*) Is the Government contemplating to establish more such dispensaries for the benefit of the people?

(*e*) Does the Government propose to pass an Act in Bengal on the lines of the Bengal Dentists Act of 1938 for regulation and control of Homeopathy in Bengal? If not, why not?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) I am aware that the Homeopathic system of medicine is popular in Bengal.

(*b*) The question of the establishment of a General Council and State Faculty of Homeopathic medicine has been under the consideration of Government for some time. A conference of representative Homeopaths was held in September, 1937, to discuss the matter. The decision reached was that Government would establish a General Council and Faculty of Homeopathic medicine on condition that no financial assistance from Government would be expected or required. A further conference of representative Homeopathic practitioners is being called to consider the question of framing the statutes in accordance with the decisions of the previous conference.

(*c*) and (*d*) Government does not maintain any Homeopathic dispensaries. There are 76 Homeopathic dispensaries mentioned in the list of hospitals and dispensaries in Bengal which is maintained in the Office of the Surgeon-General. It is not known how many of them were started by local bodies.

(*e*) No legislation is contemplated as Government considers that the General Council and Faculty of Homeopathic Medicine which is proposed to be established under executive orders will be a very suitable agency for regulating and controlling the practice of Homeopathy in Bengal

Chittagong fowls.

15. Khan Bahadur ATAUR RAHMAN (on behalf of Mr. Nur Ahmed): (*a*) Will the Hon'ble Minister in charge of the Agriculture and Veterinary Department be pleased to state if he is aware of the fact that there is a great demand in Bengal for domestic fowls of Chittagong, specially the fowls known as "Asli Morag" and that this species of domestic fowls in Chittagong is fast dying out? If so, will the Hon'ble Minister be pleased to say what steps have been taken by Government to encourage the poultry farming at Chittagong?

(*b*) If not, is he contemplating to take necessary measures to help the rearing of fowls in Chittagong? If so, what are those measures?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not aware that there is a great demand in the province for Chittagong fowls. In the Poultry centres opened in thirteen districts, only the pure English or the cross-bred English-Chittagong birds are in demand and not the pure Chittagong birds. I am not aware that the Chittagong species is fast dying out but I have heard that poultry disease has done some damage to flocks in Chittagong. I am going to establish a Poultry centre in Chittagong this year and also a Poultry Multiplication centre for the Chittagong Division for the purpose of the rearing of the improved stock in Chittagong and its multiplication throughout the Division.

Motions for Adjournment for Purposes of Debate.

Mr. PRESIDENT: Order, order. The Chair has received notice of two adjournment motions, one from Mr. Srish Chandra Chakraverti and the other from Mr. Kader Baksh.

Mr. Srish Chandra Chakraverti wants to move that the House do now adjourn to discuss a matter of urgent public importance, namely, the situation arising out of the order of the Registrar of Assurances, Calcutta, dated the 5th April, 1939, forbidding all members of the staff to attend the Annual Conference of the All-Bengal Registration Employees Association, a body duly registered under the Trades Union Act, which was to be held in Calcutta on the 7th April, 1939, and to attend which Registration employees had come to Calcutta from distant mufassil towns, thereby causing an illegitimate interference with the elementary rights of members of a registered trade union.

The other notice received from Mr. Kader Baksh is to the effect that the House do stand adjourned to discuss a definite matter of urgent public importance, namely, the failure of the Government to give adequate protection to persons in the public park of Wellington Square during the disturbances of the 30th April, 1939, and which continued on the 1st May, 1939, during the course of which distinguished visitors of various provinces, including Rashtrapathi Dr. Rajendra Prasad, were disgracefully attacked by Congress hooligans on the occasion of the sitting of the All-India Congress Committee at Calcutta.

I shall take up the first motion first, because on one day we can take up only one motion. Is there any objection to the motion of Mr. Srish Chandra Chakraverti being moved?

(There was objection.)

As there is objection, I am to request those who are in support of his motion to rise in their places.

(Members rose and a count was taken.)

As less than thirteen persons have risen in support of the motion, I have to inform the mover that he has not the leave of the Council.

I will now take up the next motion of Mr. Kader Baksh. Has the hon'ble member the leave of the House to move the adjournment motion?

(There was no objection from any section of the House.)

As there is no objection, this matter will be taken up for discussion on the 8th instant. Is that all right Mr. Sarker?

The Hon'ble Mr. NALINI RANJAN SARKER: No, Sir, 8th is the day for taking the Finance Bill into consideration. Why not on the 5th, Sir?

Mr. PRESIDENT: The 5th is a non-official day. If the Government are prepared to allot another non-official day, then there is no harm in fixing the 5th May for discussion of this motion.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, Sir, we shall consider the matter.

Mr. PRESIDENT: It is impossible to take up this adjournment motion to-day, because we are short of time. At least two hours' time must be allotted for the discussion of the adjournment motion. I, therefore, fix 2-15 p.m. on Friday, the 5th May, for consideration of Mr. Kader Baksh's motion.

Motions under Section 118 of the Rules and Standing Orders.

Mr. LALIT CHANDRA DAS: On a mater of information, Sir. It appears that to-day has been fixed for discussion of non-official resolutions as well as motions under section 118 of the Rules and Standing Orders. Now, Sir, it was the usual practice to set aside separate days for the purpose. So far as I remember, on other occasions for discussion of motions under section 118 of our Rules and Standing Orders separate days were allotted. Now, Sir, it is simply impossible to go through all the non-official resolutions—the number being more than 20—in one day, and it is proposed that out of this one day which has been set apart for non-official resolutions, motions under section 118 are also going to be discussed. Sir, what I want to know is whether a separate day will be allotted for discussing the motions under section 118?

Mr. PRESIDENT: Order, order. Days are allotted by His Excellency the Governor, which means the Governor as advised by the Ministry. We find that only one day has been allotted for non-official business, both for resolutions and motions under section 118. The Chair feels that really it is impossible to take up the motions under section 118 as well as the non-official resolutions on one and the same day. The resolutions themselves number about 22, and thus there is absolutely no chance of the motions under section 118 being taken up. It is no use placing them on the list of business when there is not the least chance of their being taken up. I hope the Government will consider the matter and allot another day for the motions under section 118. In the rules, it is stated that the Governor may allot different days for the disposal of different classes of business. I think some Hon'ble Minister should state if Government is willing to allot another day for the discussion of motions under section 118.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is difficult at this stage to state what day can be given, but a non-official day will be

allotted and in consultation with you, Sir, we will consider what we can do in this matter.

Mr. PRESIDENT: But at the same time you must agree that it is impossible to take up both the matters on one and the same day.

The Hon'ble Khwaja Sir NAZIMUDDIN: That I quite see, Sir. But there is also the question which you considered and which you yourself were good enough to raise in this House, namely, that section 118 was being definitely abused. Really, all these resolutions given notice of under section 118 either come in as ordinary resolutions or they do not come in at all.

Mr. PRESIDENT: Order, order. I shall not allow any criticism about motions that have been permitted by the President, after due consideration. It is for the Government to say whether they will give another day or not, which they have the power to do; but to pass a judgment on the decision of the Chair will not be allowed in this House.

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to submit, Sir, that I did not mean to pass any judgment upon the decision of the Chair; probably the Chair did not follow me. I simply mentioned a matter to which reference was once made by the Chair itself.

Mr. PRESIDENT: Anyway, it is quite absurd to put down an item of business under section 118 after 22 resolutions for discussion on the same day!

The Hon'ble Khwaja Sir NAZIMUDDIN: That is quite true, Sir, but at the same time what I was referring to is to a certain opinion expressed by yourself. I did not say that such motions are not admissible under section 118. However, I can say on behalf of Government that they will consider whether a further day can be given for the consideration of the motions under section 118.

Mr. PRESIDENT: That is all right; I wanted to have an assurance from you to that effect.

Panel of Chairmen.

Mr. PRESIDENT: Under Rule 3 of the Bengal Legislative Council Rules and Standing Orders, I nominate:—

(1) Mr. Kamini Kumar Dutta,

(2) Begum Hamida Momin,

(3) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, and

(4) Mr. E. C. Ormond,

on the Panel of Chairmen for the current session.

Committee on Petitions.

Mr. PRESIDENT: On the Committee on Petitions I nominate:—

(1) the Deputy President (Chairman),

(2) Khan Sahib Abdul Hamid Chowdhury,

(3) Rai Keshab Chandra Banerjee Bahadur,

(4) Mr. Sachindra Narayan Sanyal and

(5) Mr. G. G. McKay,

as members for the current session.

Governor's Assent to Bills.

Mr. PRESIDENT: I have now to inform the hon'ble members that the following Bills which were passed by both the Chambers of the Bengal Legislature have been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935, namely:—

(1) the Bengal Tenancy (Amendment) Bill, 1939,

(2) the Bengal Rates of Interest Bill, 1939, and

(3) the Bengal Maternity Benefit Bill, 1939.

I will now direct the Secretary to lay on the table, under section 77 of the Rules and Standing Orders, the Bengal Rural Poor and Unemployed Relief Bill, 1939, as returned with amendments by the Assembly.

Messages from the Secretary to the Bengal Legislative Assembly.

The SECRETARY to the COUNCIL (Mr. K. N. Majumdar): Sir, the following message has been received from the Secretary to the Bengal Legislative Assembly:—

"Sir,—With reference to your letter No. 296L.C., dated the 10th March, 1939, and in pursuance of section 88(*1*), Rule 39, of the Bengal Legislative Assembly Rules and Standing Orders, I am directed to return herewith the Bengal Rural Poor and Unemployed Relief Bill, 1939, which was passed by the Assembly with amendments, at

its meeting held on the 28th March, 1939, with the message that the concurrence of the Council be asked to the following amendments made in the Bill by the Assembly, namely,—

AMENDMENTS.

Clause 3.

In clause 3(*3*), in lines 1 and 2, for the words "keys for each poor box, of which one," the words "different kinds of locks for each poor box, the key of one of which" be substituted.

In clause 3(*3*), in line 3, for the word "other," the words "key of another lock" be substituted.

In clause 3(*4*), for the words "the cash book," the words and figure "from 1 in the scheme to this Act," be substituted.

For clause 3(*5*), the following be substituted, namely—

"(*5*) subscriptions and contributions otherwise collected shall also be entred in Form I in the Schedule to this Act and to each subscriber or contributor there shall be given in writing a receipt for the amount received from him."

Clause 6.

In clause 6(*1*)(*b*), for the words "nothing else to fall back upon for subsistence during periods of unemployment," the words "no means of subsistence other than their wages" be substituted.

After clause 6(*3*), the following new sub-clause be added, namely:—

"(*4*) The list shall be open to inspection by the local public during the office hours at the office of the union."

Clause 8.

In clause 8(*2*), in line 2, for the words "one anna," the words "two annas" be substituted.

After the proviso to clause 8(*2*), the following new proviso be added, namely—

"Provided also that the committee may, at a meeting thereof, direct that relief be granted in articles of clothing or other articles to such person or persons as may be found needy out of the contributions in the custody of the President."

Clause 9.

In clause 9(*1*), line 1, the word "such" be omitted.

In clause 9(*1*), line 2, after the word "years," the words and figures "whose name has been reported under section 7 or section 8," be inserted.

I herewith lay on the table the Bengal Rural Poor and Unemployed Relief Bill, 1939.

Mr. PRESIDENT: I direct the Secretary to read the messages received from the Bengal Legislative Assembly in connection with the Bills passed by that House.

The SECRETARY to the COUNCIL (Mr. K. N. Majumdar): Sir, the following messages have been received from the Secretary, Bengal Legislative Assembly:—

"In conformity with the requirements of Rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Bengal Finance Bill, 1939, as passed by the Assembly on the 30th March, 1939, together with 150 spare copies of the Bill, and to state for the purposes of Rule 36 of the Bengal Legislative Council Rules, that the Bill was not referred to a select committee before it was passed. I am further to state that the Bengal Finance Bill, 1939, was sponsored by the Hon'ble Mr. Nalini Ranjan Sarker, Minister in charge of the Finance Department.

In conformity with the requirements of Rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Calcutta Police (Amendment) Bill, 1939, as passed by the Assembly on the 5th April, 1939, together with 150 spare copies of the Bill and to state, for the purposes of Rule 36 of the Bengal Legislative Council Rules, that the Bill was not referred to a select committee before it was passed. I am further to state that the Calcutta Police (Amendment) Bill, 1939, was sponsored by the Hon'ble Khwaja Sir Nazimuddin.

In conformity with the requirements of Rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Bengal Excise (Amendment) Bill, 1939, as passed by the Assembly on the 5th April, 1939, together with 150 spare copies of the Bill and to state, for the purposes of Rule 36 of the Bengal Legislative Council Rules, that the Bill was not referred to a select committee before it was passed. I am further to state that the Bengal Excise (Amendment) Bill, 1939, was sponsored by the Hon'ble Mr. Prasanna Deb Raikut.

In conformity with the requirements of Rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Calcutta Municipal (Amendment and Validation) Bill, 1939, as passed by the Assembly on the 31st March, 1939, together with 150 spare copies of the Bill and to state, for the purposes of Rule 36 of the Bengal Legislative Council Rules, that the Bill was not referred to a select committee before it was passed. I am further to state that the Calcutta Municipal (Amendment and Validation) Bill, 1939, was sponsored by the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca.

In conformity with the requirements of Rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Bengal Tenancy (Second Amendment) Bill, 1939, as passed by the Assembly on the 5th April, 1939, together with 150 spare copies of the Bill, and to state, for the purposes of Rule 36 of the Bengal Legislative Council Rules, that the Bill was not referred to a select committee before it was passed. I am further to state that the Bengal Tenancy (Second Amendment) Bill, 1939, was sponsored by the Hon'ble Sir Bijoy Prasad Singh Roy.

In conformity with the requirements of Rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Indian Stamp (Bengal Amendment) Bill, 1939, as passed by the Assembly on the 5th April, 1939, together with 150 spare copies of the Bill, and to state, for the purposes of Rule 36 of the Bengal Legislative Council Rules, that the Bill was not referred to a Select Committee before it was passed. I am further to state that the Indian Stamp (Bengal Amendment) Bill, 1939, was sponsored by the Hon'ble Sir Bijoy Prasad Singh Roy."

The SECRETARY to the COUNCIL (Mr. K. N. Majumdar): I herewith lay on the table the following Bills passed by the Bengal Legislative Assembly at its meetings held on the 30th March, 1939, 5th April, 1939, 5th April, 1939, 31st March, 1939, and 5th April, 1939, respectively, namely:—

(1) the Bengal Finance Bill, 1939,

(2) the Calcutta Police (Amendment) Bill, 1939,

(3) the Bengal Excise (Amendment) Bill, 1939,

(4) the Calcutta Municipal (Amendment and Validation) Bill, 1939,

(5) the Bengal Tenancy (Second Amendment) Bill, 1939, and

(6) the Indian Stamp (Bengal Amendment) Bill, 1939.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, may I rise on a point of information? May I know when we shall have an opportunity of discussing these Bills? Has any date been fixed for them?

Mr. PRESIDENT: Due notice will be given of the date of the discussion of these Bills.

The House will now take up non-official resolutions. Under section 99 of the Rules and Standing Orders, I fix one hour as the maximum time available for discussion of the first resolution and under sub-section (3) of the same section, I fix fifteen minutes as the maximum time for the mover and the Hon'ble Minister in charge of the Department and ten minutes for other speakers.

NON-OFFICIAL RESOLUTIONS.

Mr. RANAJIT PAL CHAUDHURI: I beg to move that this Council is of opinion that to minimise the abnormal inundations in Nadia, Murshidabad and Jessore districts during the rainy season, expert opinion may forthwith be sought for and the railway embankments running through the above-mentioned districts may be opened up at places, existing culverts widened and more culverts and bridges be thrown up at storm-centres in order to let the obstructed water take its natural course.

Sir, though the whole of this matter is strictly not within the purview of this Government, but certainly it can send its recommendations to the proper quarters. The statement set out in the first portion of my resolution is too well known to need much repetition. That our railway embankments have been designed and executed without proper regard to the fundamental needs of agriculture and to the physical peculiarities of the country-side through which they are made to run is also a well-established fact. It cannot be disputed that railway embankments without proper outlets at proper places and railway bridges without an adequate number of spacious culverts obstruct the free flow of flood water which is such an essential factor for health, sanitation, cultivation and the general well-being of our country-side. One can notice along the railway lines that there are many railway culverts which have little or no utility at present. It is evident from such culverts that there once existed channels there, but owing to the unscientific construction of these culverts, or for the barriers caused by the embankments, or for both, these channels

have silted up and are now non-existent, clogging the natural drainage of the country. The rush of the flood water forces its way through these culverts and stagnates in the country-side as it cannot find an easy egress.

Sir, we are aware that on more than one occasion some sort of departmental enquiry into the state of things complained of has been undertaken. But we all know that nothing particular has yet been done for the amelioration of the evil which is going on apace.

Sir, some experts have held that railway embankments in shutting out flood water have contributed to the decline of small rivers and the silting up of channels which are so very necessary for the purpose of cultivation in the districts I am speaking of. In all conscience, Sir, obstruction of the natural flow of water by artificial barriers has brought about periodical disaster, and the situation is getting grave and menacing year by year and requires to be properly handled betimes.

Sir, I shall now recount briefly the consequences brought about by the evil complained of in each of the three districts. So far back as 1881, the Nadia Fever Commission is said to have reported that the Ganges floods which are so fertilising are shut out by the embankments, giving the soil no chance to recoup, resulting in the decline of the old alluvial tracts. Next, the Bengal Census Report of 1901 says that "Nadia district is a part of the old delta, but its rivers have gradually dried up, and it no longer receives the annual deposit of silt which formerly rendered its fertility." Again, the Director of Agriculture reports in 1910-11 and in 1912-13 that in Nadia the soil is deteriorating on account of the gradual silting up of the river channels. The same thing has been said about the neighbouring district of Murshidabad. The propriety of the railway embankments has often been called in question thereto. The land which otherwise should be flooded is thereby deprived of its supply of spill and the river confined to its beds, deposits its silt there and thus raises itself above the level of the surrounding country. About Jessore, it is said, that since 1870 matters have changed for the worse, and the natural form of fertilisation has now ceased and the area under *aman* cultivation is contracting owing to the deficient floods. In fact, the Director of Agriculture reports in 1908 that large tracts in Magura, Narail and the Sadar subdivision of Jessore are showing signs of permanent deterioration owing to the want of facilities for the ingress and egress of rain water for proper railway embankments and bridges.

Sir, it is a well-known fact that embankments that prevent natural and proper flooding become a direct cause of malaria and cessation of proper and normal inundation cause a decline in the agriculture and sanitary conditions.

Sir, we know plenty of instances where the railway has set at naught both public and Governmental suggestions for the betterment of conditions. But the whole thing, it seems, has been moving in a vicious circle. In the interests of the masses, it has become necessary that both the Government and the railway should forthwith co-operate and bring about remedial measures. I think, Sir, I have made my proposition quite clear for the acceptance of the House. I am making a very reasonable request. The appointment of a committee of experts to investigate into the causes of the evil and to bring about amelioration of the distressing situation that is coming about so frequently, of late, is very essential.

Sir, I want to make it perfectly clear that I am not averse to normal floods, but what is disastrous is the acuteness and its long stagnation causing so much havoc due to the thoughtlessly designed railway embankments.

With these few words, Sir, I commend my resolution to the acceptance of the House.

Mr. PRESIDENT: Resolution moved that this Council is of opinion that to minimise the abnormal inundation in Nadia, Murshidabad and Jessore districts during the rainy season, expert opinion may forthwith be sought for and the railway embankments running through the above-mentioned districts may be opened up at places, existing culverts widened and more culverts and bridges be thrown up at storm-centres in order to let the obstructed water take its natural course.

Raja Bahadur, do you move your amendment?

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: No, Sir, I do not move my amendment.

Khan Bahadur ATAUR RAHMAN: Mr. President, Sir, I beg to support the resolution moved by our friend Mr. Ranajit Pal Chaudhuri. It is high time that something should be done now on the lines suggested in the resolution. The resolution does not mean that the railway should altogether be abolished or removed from the country. It has come to stay and it will stay, whether it has an ill-effect or not. There is a public feeling in the country that the climate of the country has deteriorated owing to the construction of the railway, particularly in the lower part of Bengal where there should have been more openings to allow the water to flow out. Scouring actions of rivers and *khals* are all destroyed by the railway embankments and bridges. Probably, many of us will remember what Dr. Bentley, the Director of Public Health, spoke some time ago when there was flood in Northern

Bengal, and after the floods of Northern Bengal some openings were made by the Railway Department. Similarly, the climate of Burdwan Division was once very salubrious, but since the construction of the railways, malaria has made it almost uninhabitable. Time may come when possibly the whole tract will be uninhabitable. The condition of the *Rarh* area has gradually gone from bad to worse, and it is within our lifetime that we have seen how the climate has rapidly deteriorated. Since the construction of this new railway on two sides of the Bhagirathi, the climate of Murshidabad and Nadia districts is practically ruined. Malaria was almost unknown in the *Rarh* area, but since the very first year or the second year of the construction of the Bundel-Barharwa Railway, the *Rarh* tract of the Murshidabad district is ruined. Now, it is well known to our Hon'ble Minister how the last year's flood affected the *Bagri* area of Murshidabad and Nadia as well as Rajshahi and the popular belief is that the Sara Bridge has something to do with it. My friend has said only about Murshidabad, Nadia and Jessore, but I believe it is not confined only to these three districts; practically the entire railway-ridden parts of Bengal have suffered by the construction, or I should say indiscriminate construction without due regard to proper drainage of the country. So, if some expert enquiry with open and unbiased mind is held by experts, I am sure some remedy may be devised. Possibly, everyone who has travelled over the Sara-Serajgunge Railway in the rainy season must have noticed that the water level on the left-hand side is always higher than on the right-hand side. What is this due to? It is due to inadequate openings. I understand the Railway Board made some more openings in the last few years, but still the country is water-logged. I therefore beg to support wholeheartedly the resolution moved by my friend Mr. Pal Chaudhuri.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I rise to support the motion which has been moved by my friend. I have already tabled an amendment, but I did not like to press for the amendment as my amendment and the original motion are practically the same; only I made the scope wider so as to extend the benefit to the whole province, whereas my friend seems to be anxious to benefit three districts only. Now I support the original motion. The subject matter of the resolution is one of vital importance to the people of this province which is intercepted by various rivers, big or small. So it is most natural that during the rainy season when the rivers get flooded, there will be inundation. But the present-day conditions are not due only to natural causes. With the advancement of science, there have been anicuts practically in all the rivers for the draining away of water to canals for the development of irrigation. Over and above this obstruction, there is the obstruction by the railway embankments. With the diversion of different

waters, the real waterbeds get silted up and become higher than the surrounding localities. During the rainy season when there is a rush of water, they overflow the bank and inundate the places on both sides of the river. That is the cause why so much inundation we find now-a-days. With the extension of railways, these embankments grew increasingly in length and the result is that the whole province is intercepted by such embankments. These embankments are causing obstruction to the natural flow of water. Of course, Sir, we are laymen and from our experience we find that the more the extension of railways in a district, the more the frequency of such floods and inundation. My friend, the Khan Bahadur, has rightly observed that after the opening of the Barharwa section, there has been more inundation than what was before. In *Rarh* area, there was no malaria before the opening of the railway, but after the opening of that railway, there has been more floods and more malarial fever prevalent in that part. Only we find that one is the cause and the other the effect thereof. Government probably will not agree to listen to us when we say that the railway embankments are also one of the main causes for such floods. The District Gazetteers of Dinajpore and Rajshahi, as far back as 1922 and onwards, show that floods have been due to the railway embankments in Bengal. Just after the North Bengal flood of 1922, Dr. Meghnad Saha, the renowned Scientist of the present day, held an enquiry into the cause of the floods under the auspices of the Flood Relief Enquiry Committee, and his article on the subject was published in the "Modern Review" of November, 1922. From the said enquiry we find that Dr. Bentley, the then Director of Public Health of Bengal, held the view that the railway embankments were a good deal responsible for floods and disorders. About the same period, there was an enquiry held by the Railway Board through a committee of which the retired Engineer-in-chief of the Eastern Bengal Railway was appointed a member. This officer also held the same view as has been held by Dr. M. N. Saha. Coming to the recent floods, I can state that during the last year's flood at Azimgunge, the people of that side wired to the Railway Board to have some openings of the railway embankments so that the water might flow to the other side of the embankment on the waste-land, lowland or marshy land. But the result was that the railway companies posted armed guards so that the people might not be able to cut off the embankments to admit the flow of water. Thus, the city remained under water for about a month, resulting in a serious loss of life and property and bringing in its strain miseries to the people. I think I have been able to quote sufficient authority to show that the railway embankments have mainly contributed to this state of affairs. Now, Sir, coming to the resolution itself, what we want is that an expert should be engaged to find out ways and means against the recurrence of such floods. Sir, our request is modest and I think that Government will consider it very

carefully. Again, Sir, during the course of the debate on a similar subject in the Central Legislature, one of the Government members of the Assembly on behalf of Government made a statement which I would, with your permission, just like to read out. From this I will show that he also admitted that the embankments were the real cause of such floods and that the Provincial Government shall appoint an expert committee to investigate the matter. He said during the course of the debate—"it is not correct to say that the local Government have no redress and are unable to move the Government of India to effect improvements where improvements are indicated in the waterways. There have been many cases in recent years where local Governments have themselves held enquiries as to the sufficiency of waterways in particular districts. In such a case, the Government of India have generally at the same time appointed either a committee or a special officer to enquire into the matter and submit a technical report on a similar case at issue." He further said that, "it is the primary duty of the local Governments to look after the rights and property of the people. It is the local Government who should institute an investigation in the first instance and then the Government of India can take up the matter." From this we find that the local Governments are the proper authorities to institute an investigation into these matters. Therefore, I feel that there is sufficient justification on our part to press upon the Government of Bengal to investigate into the problems in the first instance and then send their suggestions to the Central Government for action. I wholeheartedly support the motion before the House. I am sure there will not be a single dissentient voice.

Khan Bahadur M. SHAMSUZZOHA: In giving my support to the resolution of my friend Mr. Ranajit Pal Chaudhuri, I wish to draw the attention of the Government to the desirability of taking expert advice in this matter at an early date, because the resolution does not commit the Government at once to any very heavy expenditure. Now, Sir, the necessity for investigating into this problem has become patent to every one of us who lives in the districts of Jessore, Nadia, Murshidabad, 24-Parganas and other districts. The last flood abundantly proved that the onrush of the water was so great that at certain places, particularly between Chuadanga and Ranaghat, the railway trains had to curtail their speed considerably in order to avoid any catastrophe to their passengers. Now, Sir, the railways were constructed about 70 or 80 years back. At that time sufficient attention was not paid to the surrounding conditions. I may draw the attention of the members to certain places in the Nadia district, particularly in Hashkhali thana and other thanas near about Bogoola and Maijdia, where the recent accident took place. The condition of Bogoola is so very bad that after the onset of rains, permanent bogs are created which are detrimental to the interests of the cultivators so

much so that neither *aus* nor *aman* paddy can be grown there at all, and this is the situation so far as most parts of the districts are concerned where such stagnation takes place. Sometimes it has come to our notice as members of the district board that attempts have been made by the Government to devise means as to how to let out the water and make these boggy places fit for cultivation. But, Sir, these attempts have not been adequate to the vastness of the problem. Now, this question as regards the providing of a large number of outlets for the discharge of rain-water is perhaps engaging the attention of Government for several years, but as yet no definite action has been taken. So it is desirable that expert opinion on the matter should be immediately taken and the Government of Bengal should try to convince the Central Government so that adequate provision may be made in the railway system for constructing more bridges and culverts so that the difficulties from which the people of so many districts are suffering may be redressed.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I rise to support the resolution, but as the time is very short I do not like to make any lengthy speech. I should like only to submit for your consideration one or two concrete examples from my own personal experience which I gathered during the last floods and those of previous years, as the chairman of a district board. During the last flood, it is well known to the Government and to the Hon'ble Ministers who toured during floods that there were three breaches in the railway lines—B. K. F. line and a portion of the Azimganj line. The reason is that at those places the pressure of flood water was so high that the bridges and culverts nearby were not sufficient for the discharge of flood water. Consequently, the line was breached and by reason of this breach a portion of the water hurriedly passed to the fields and damaged the crops and other properties and houses. If there had been sufficient openings at those places, or the existing bridges and culverts were more wide, then these damages would not have occurred, because the people would have been aware that water was gradually coming on the lines and they would have been careful and made some other attempts or erected bunds to protect their crops. As my friend the Raja Bahadur of Nashipur has said, Azimganj City was almost under water for a month or so. There are two parallel lines near about the Azimganj—B. K. F. line and another line in the Azimganj-Nalhati side. There is one bridge in the B. K. F. line and another bridge in the Azimganj-Nalhati line, but the opening of one bridge is very small; so water was obstructed and the surplus water entered into the town of Azimganj and caused breaches near the station. The culverts under the railway lines got choked up and obstructed the flow of water near Jiaganj side. The barriers of temporary bridge obstructed the water and the result was that the southern portion of Jiaganj town was being gradually

washed away. So, we, the people of Murshidabad, think that the opening on the railway lines should be more wide. As stated by my friend, Khan Bahadur Ataur Rahman, the Kandi subdivision which was once the healthiest part of my district has now become very malarious and even at this time of the year malaria is still prevalent there. But the Health Department says that it is mainly due to the railways. Sir, with these words, I support the resolution.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: পাল চৌধুরী মহাশয় যে প্রস্তাবটা উপস্থিত কোরেছেন সেই প্রস্তাব আমি অন্তরের সঙ্গে সমর্থন কোরছি। আমি একজন উত্তর বাংলার লোক। আমি উত্তর বাংলার, বিশেষতঃ বগুড়া জেলার সম্বন্ধে বোলবো। বগুড়া জেলা করতোয়া নদীর দ্বারা দুইভাগে বিভক্ত। পূর্ব ভাগে যমুনা নদী প্রবাহিত। সুতরাং তাদের বন্যার সঙ্গে কিছু কিছু পরিচয় থাকলেও পশ্চিম ভাগের লোকেরা বন্যা কাকে বলে কোন দিন জানতো না। কিন্তু বর্তমানে শান্তাহার ফুলছড়ি, আর সারা সিরাজগঞ্জ রেল লাইনের দ্বারা এমনভাবে দেশকে বেঁধে দেওয়া হয়েছে যে, এই গত কয় বছর ধোরে প্রায় প্রতি বছরেই তাদের উপর বন্যা লেগেই আছে। এবং তার ফলে তাদের ঘর বাড়ী পোড়ে যাচ্ছে আর আমাদেরও বহু ক্ষতি হোচ্চে। এর কারণ অনুসন্ধান কোরে দেখা গেছে যে, এই দুই রেল পথে যথেষ্ট রকম ব্রীজ ও ক্যালভার্ট না থাকার দরুণই যে এই বন্যা হচ্চে তাতে আর কোন সন্দেহ নাই। আগে ম্যালেরিয়া কাকে বলে আমরা জানতুম না। কিন্তু এই দুই রেল হবার পর থেকে পচা জল বন্ধ থাকার দরুণ আমাদের পূর্বাঞ্চলে ম্যালেরিয়া হয়েছে। তারপর এই যে কচুরি পানার অত্যাচার আজ এতটা হোয়েছে, পূর্বে এটা বর্ষার জলে বেরিয়ে যেতো আটক থাকতো না, এখন বের হোয়ে না যাবার জন্য কচুরি পানার আক্রমণ এতই হোয়েছে। সময় অতি কম। আমি তাই খুব সংক্ষেপেই বোল্লাম। এ প্রস্তাবটা খুবই সঙ্গত প্রস্তাব হোয়েছে এবং আমি এ প্রস্তাব সর্বান্তঃকরণে সমর্থন করি।

Mr. KADER BAKSH: Sir, I had no desire to take any part in this debate. But before I speak something on this resolution, I beg to say that if my friend has been terror-stricken on account of the last floods, I must say that we are no less terror-stricken in having had no rain during these days. This resolution has been conceived in a very narrow perspective, because my friend has spoken only about Murshidabad, Nadia and Jessore. But, Sir, any such measure taken to prevent water-logging in these areas will not do any benefit to the people of Bengal as a whole. I submit, Sir, that Government ought to take up a comprehensive scheme for the survey of different river levels of the entire province. If measures are taken for some districts only without ascertaining the different levels of the different districts, all schemes will be futile and will not be of any permanent value. Therefore, my appeal to the Government is that they should take up a survey of the entire province and ascertain the levels of different districts so that the measures taken may be of permanent value and use to the whole of the province.

Mr. RANAJIT PAL CHAUDHURI: But Government is making a contour survey.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I have full sympathy with the object of the resolution but I am unable to support the logic of the argument which has been advanced in favour of the resolution. The resolution is confined only to certain districts, namely, the districts of Murshidabad, Nadia and Jessore. If it had referred to Bengal as a whole and not to certain districts only, then there would have been some meaning in it. I can say from my personal knowledge that there are many districts in eastern and northern Bengal which have been as seriously affected as the districts in west Bengal. With regard to the second point that expert opinion may forthwith be sought for, I should think that a Committee of Experts should be appointed to examine this question. With regard to the third point, namely, that railway embankments running through the above-mentioned districts may be opened up at places, existing culverts widened and more culverts and bridges be thrown up at storm-centres in order to let the obstructed water take its natural course, I am not willing to give my own opinion without reference to expert advice. It may be that the existing bridges and culverts may not be responsible for the floods in these districts. There may be some other factors which are directly responsible for them. These questions have got to be thoroughly examined and the second part of the resolution will have no meaning when we say that the embankments are responsible for the floods. There may be other causes. So, I think it would have been better if the resolution had been differently worded so as to include the whole of Bengal, and if it is possible at this stage to have the resolution so amended, the hon'ble member concerned might amend it accordingly.

Mr. PRESIDENT: The difficulty is that by an amendment you cannot widen the scope of the resolution. If your suggestion is accepted, it would have the effect of widening its scope.

Mr. RANAJIT PAL CHAUDHURI: On a point of personal explanation, Sir. My idea was not to exclude the other districts in Bengal.

Mr. PRESIDENT: You may mention it in your reply.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I have very little respect for expert opinions. For, I know of experts who are of the opinion with reference to malaria that the cutting of jungles is the best remedy to drive out malaria in this country. When Dr. Khambata, former Director of Public Health, Bengal, went to Dacca in connection with anti-malarial work in the Manickgunge subdivision, we happened to have a discussion with him. He thought

that the whole theory had been given the go-by, and the present theory is that the preservation of the jungle was the best way to eradicate malaria. These were opposite views propounded by experts. Now, what is the value of expert opinion on the question? The Dacca-Aricha Railway has often been knocked on the head on the ground of culverts and bridges. So, I think the best thing would be for us to urge for the appointment of a Committee consisting not only of experts but also of members who are directly affected and who come from those districts.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, I would, at the outset, assure the hon'ble members of this House that Government has not been sitting idle over this very important question of controlling the flood which had caused misery to a large section of our countrymen last year. Sir, it is not possible by any human means to prevent flood altogether. It has not been possible anywhere in the world. What we can do is to minimise its effect as far as possible. Expert opinion on this subject has already been taken, and I would refer the hon'ble members to a very important note written on this subject "Ganges flood and its lessons" by our Chief Engineer which will clearly show the line of action which one should take in order to minimise the ferocity of floods to some extent. Sir, floods are due partly to natural and partly to artificial causes. We can certainly remove the artificial causes. Heavy rainfall in the catchment basin and melting of the snows are natural causes of floods over which we have hardly any control. As regards artificial causes, the deterioration of the spill channels, cutting off of river spills by means of embankments and extensive deforestation in the catchment area of rivers are factors which tend to raise the flood level in the main rivers. Sir, it is mainly due to the deterioration of the numerous spill channels of western and central Bengal that we are now having floods more frequently than it used to be before and the only remedy to minimise its violence will be by a comprehensive scheme to resuscitate the dead and dying channels. Sir, we have already started a comprehensive contour survey of those areas which are affected most, and we are expecting to complete it by next year when we shall be in a position to formulate our comprehensive scheme. Sir, it is admitted that this Government have been greatly handicapped for want of data, and as you, Sir, can naturally imagine, in matters like these it is impossible to make any move without the requisite data. The problem, it must be admitted, is neither susceptible of piecemeal solution nor of quick action.

Sir, as regards deforestation, we have already set up a small committee with a view to form a Ganges River Commission consisting of representatives of the three provinces, namely, the United Provinces, Bihar and Bengal. That Commission will be of help to advise us in

controlling deforestation. We are also contemplating to set up another Commission, viz., the Brahmaputra and Meghna Commission, for controlling deforestation in Assam. Sir, I need hardly say that with the advancement of civilization we are interfering with Nature and I believe we have got to suffer to some extent. Sir, the policy of putting embankments by the riverside and construction of railways throughout the province, I admit, were to some extent responsible for interfering with the natural drainage of the land. I still find, Sir, there is demand for more railways. Whatever may be the ideal situation, we cannot do without the railways—we must have railways, but with the minimum of interference with the drainage of the land. Immediately after the last year's flood, we instructed the officers of the department in the various districts where we had floods to watch the areas and to see if there were any embankment which interfered with the natural drainage. Sir, we also asked the Collectors of the various districts affected by floods to report to us specially of any railway embankment, which according to them, were in need of investigation by experts. It will thus appear, Sir, that we have done our best to take necessary steps in the direction of what the mover of the resolution has in his mind to-day. Sir, I may further inform the House that in regard to the Bhatiapara-Kalukhali Railway branch line, we have set up a Committee with the Collector as its chairman and with representatives of the railway and experts of the Irrigation Department to consider if the existing culverts are in need of widening or more culverts have to be constructed. Sir, after what I have stated, I think I have been able to convince the House that the railway embankments alone cannot cause the flood. It may be that at places railway embankment may be responsible for preventing water from passing to the other side. But there is the other side of the picture too. Sir, I may state that during the last flood, some of these railway embankments have really acted as flood embankments. Whatever might be said in favour of allowing the water to pass to the other side, I think it would have only carried the misery of the people of this area to the other area.

Sir, as regards the Azimgunge Railway embankment breach which has been referred to by two hon'ble members of my district, I may assure them that we have made a thorough enquiry of the case, and we shall take necessary step. But we must remember that the flood of last year was of an abnormal character, and we cannot base our action on materials gathered last year. The department is keeping a watchful eye over the areas where the flow of water is prevented by the railway embankments and if it is found necessary after expert advice, we shall certainly communicate the views of the department to the railway authorities. Sir, I am afraid my time is too short to refer to the other matters which have been referred to by some hon'ble members. Sir, the flood of 1922 was due to abnormal rainfall. The flood of 1938, of course, was mainly due to high river water level.

Sir, with these few words, I would request the hon'ble member to withdraw the resolution.

Mr. RANAJIT PAL CHAUDHURI: Sir, I just want to say a few words by way of reply to Rai Keshab Chandra Banerjee Bahadur. It was not my intention to exclude the other districts in the province, but my idea was that it was these three districts which were mainly affected due to the embankments which were one of the causes of abnormal floods. And as regards the melting of snow referred to by the Hon'ble Maharaja, I have also an idea that the snow melts generally in March and April and it takes about two or three months to come down over here, which is some time in May or June, and that is quite a few months before the floods come in. So I do not know how much water that argument holds. I won't take up any more time, and I sit down for the decision of the House.

Mr. PRESIDENT: The question before the House is that this Council is of opinion that to minimise the abnormal inundations in Nadia, Murshidabad and Jessore districts during the rainy season, expert opinion may forthwith be sought for and the railway embankments running through the above-mentioned districts may be opened up at places, existing culverts widened and more culverts and bridges be thrown up at storm-centres in order to let the obstructed water take its natural course.

(The resolution was agreed to.)

Mr. PRESIDENT: The next resolution is of Mr. Kamini Kumar Dutta. If he so desires, I shall permit him only to move it and to reserve his speech for the next date on which non-official resolutions are taken up.

Mr. KAMINI KUMAR DUTTA: Sir, I beg to move that this Council is of opinion that a committee consisting of seven members representing the different parties in the Legislature be appointed by the Government from amongst the members of the Bengal Legislative Council and the Bengal Legislative Assembly to devise ways and means to establish communal harmony and to counteract communal activities of persons, associations, newspapers and journals.

Mr. PRESIDENT: Resolution moved that this Council is of opinion that a committee consisting of seven members representing the different parties in the Legislature be appointed by the Government from amongst the members of the Bengal Legislative Council and the Bengal Legislative Assembly to devise ways and means to establish communal harmony and to counteract communal activities of persons, associations, newspapers and journals.

Notices in connection with Government Bills.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to give notice that with your permission I propose to move on the 8th May, 1939, that the Bengal Finance Bill, 1939, as passed by the Bengal Legislative Assembly on the 31st March, 1939, be taken into consideration and that the said Bill as settled in the Council be passed, provided you are pleased to relax the rule regarding seven days' notice.

Mr. PRESIDENT: The Council now stands.....

The Hon'ble Khwaja Sir NAZIMUDDIN: One minute, Sir, with your permission, I would like to give notice of a Bill which I desire to move some days after.

Mr. PRESIDENT: Well, to-day is a day only for non-official business when non-official business should have preference. You know how, as we have reached our time-limit to-day, I could not allow the very important resolution of Mr. Kamini Kumar Dutta to be discussed after it was formally moved by him.

The Hon'ble Khwaja Sir NAZIMUDDIN: But what I want, Sir, is to give only formal notice which will not take long. Our time is practically up, but it may perhaps be extended by three minutes, so as to permit myself and others of my colleagues to give notices of Bills which we want to be taken up in this House.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: On a point of order, Sir. I understand that certain Government Bills of which notices are to be given to-day are contemplated to be discussed in this House on the 8th May. But, Sir, under rule 83 of the Rules and Standing Orders of this House, seven clear days' notice is required——

Mr. PRESIDENT: That will be a matter for discussion when the Bills, you speak of, will be moved. Objection can be taken at that time.

The Hon'ble Khwaja Sir NAZIMUDDIN: I only want to give formal notice, Sir, and will not take much time. I beg to give notice that I shall move during the current session of the Council that the Calcutta Police (Amendment) Bill, 1939, as passed by the Assembly, be taken into consideration and passed as settled in the Council. As at present fixed, I intend to make my motion on the 8th May next, provided you, Sir, relax the rules about 7 days' notice, and I hope it can be done.

Mr. LALIT CHANDRA DAS: No, Mr. President will not relax the rule.

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, rules can always be relaxed by the Hon'ble President.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I have the honour to give notice that I shall move the following motion at the current session of the Bengal Legislative Council, viz.:—

(1) that the Calcutta Municipal (Amendment and Validation) Bill, 1939, as passed by the Bengal Legislative Assembly, be taken into consideration; and

(2) that the Bill as settled in Council be passed.

I further beg to give notice that I desire to move at the current session of the Bengal Legislative Council the following amendment to Mr. Nur Ahmed, M.L.C.'s motion that his Bill for the amendment of the Bengal Municipal Act, 1932, be referred to a Select Committee, that the Bill be re-circulated for the purpose of eliciting further opinion thereon by the 31st December, 1939.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, I have the honour to give notice that as the Bengal Excise (Amendment) Bill, 1939, as passed by the Bengal Legislative Assembly, has been laid on the table of the Bengal Legislative Council, the said Bill as passed by the Bengal Legislative Assembly, be taken into consideration on the 8th May, 1939; and passed as settled in the Council.

The Hon'ble Mr. TAMIZUDDIN KHAN: I beg to give three notices as follow:—

(1) that I desire to move in the current session of the Bengal Legislative Council the following amendment to Mr. Nur Ahmed, M.L.C.'s motion that his Bill for the amendment of the Bengal Food Adulteration Act, 1919, be taken into consideration, namely, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939;

(2) that I desire to move in the current session of the Bengal Legislative Council the following amendment to Mr. Nur Ahmed, M.L.C.'s motion that his Bill for the amendment of the Bengal Juvenile Smoking Act, 1919, be taken into consideration, namely, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939;

(3) that I also desire to move in the current session of the Bengal Legislative Council the following amendment t Mr. Nur Ahmed, M.L.C.'s motion that the Bengal Water-hyacinth Bill be referred to a Select Committee consisting of—

(1) Khan Bahadur Saiyed Muazzamuddin Hosain,
(2) Mr. E. C. Ormond,
(3) Mr. Kamini Kumar Dutta,
(4) Rai Bahadur Radhica Bhusan Roy,
(5) Mr. Nur Ahmed,
(6) Khan Bahadur Ataur Rahman,
(7) Khan Bahadur Rezzaqul Haider Chowdhury,
(8) Mr. Mukhlesur Rahman,
(9) Khan Bahadur Maulvi Muhammad Ibrahim,
(10) Khan Sahib Abdul Hamid Chowdhury,
(11) Khan Bahadur M. Shamsuzzoha,
(12) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur, and
(13) the mover,

with instruction to submit their report by the 1st of November, 1939, and that the number of members whose presence shall be necessary to form a quorum shall be five.

Mr. LALIT CHANDRA DAS: I rise on a point of order, Sir.

Mr. PRESIDENT: What is it?

Mr. LALIT CHANDRA DAS: My point of order is this: whether on a non-official day even formal notice of Government business can be given by Ministers of Government.

Mr. PRESIDENT: Under section 16 of the Rules and Standing Orders it is stated that on a non-official day non-official business will have preference and preference has been given to non-official business to-day, but the President in his discretion may permit the Hon'ble Ministers to give notice of Bills which they want to be taken up in this House.

Mr. E. C. ORMOND: May I rise, Sir, on another point of order? You will see, Sir, that under section 83 of the Rules and Standing Orders the wording is "unless the President otherwise directs". I take

it that this would allow you to give a direction here and now that these several Bills may be moved for consideration on the 8th of May, and in view of the fact that yesterday was the 1st of May, when this business of notice-giving would have normally come up, but for the adjournment of the House on account of a melancholy reason, I think, Sir, the Chair can judge the matter here and now and give a ruling whether we are going to have this business or some other business on the 8th May next.

Mr. PRESIDENT: The President has no right to give a ruling when there is no motion before the House; when this question will be raised, if objections are then made, the Chair will no doubt give its ruling after due consideration of the arguments.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have the honour to give notice that at the current session of the Bengal Legislative Council I shall move that the Bengal Tenancy (Second Amendment) Bill, 1939, as passed by the Bengal Legislative Assembly be taken into consideration by the Council on the 8th May, 1939, and passed as settled in the Council.

I have the honour further to give notice that during the current session of the Bengal Legislative Council I shall move at the meeting to be held on the 8th May, 1939, that the Indian Stamp (Bengal Amendment) Bill, 1939, as passed by the Bengal Legislative Assembly on the 5th April, 1939, be taken into consideration and passed in the Council.

I further beg to give notice that at the current session of the Bengal Legislative Council I shall move by way of amendment to the motion for consideration of the Bengal Public Demands Recovery (Amendment) Bill, 1937, by Mr. Nur Ahmed, M.L.C., that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

I also beg to give notice that at the current session of the Bengal Legislative Council I shall move by way of amendment to the motion for reference to a Select Committee of the Bengal Estates Partition Amendment Bill, 1938, by Rai Bahadur Brojendra Mohan Moitra, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th April, 1940.

I also beg to give notice that at the current session of the Bengal Legislative Council I shall move by way of amendment to the motion for reference to a Select Committee of the Bengal Land Alienation Bill, 1938, by Khan Bahadur Saiyed Muazzamuddin Hosain, that the Bill be circulated for eliciting public opinion thereon by the 30th April, 1940.

Mr. NARESH NATH MOOKERJEE: Sir, the proceedings of the Legislative Assembly have not yet been circulated to the members of this House. If we are to really consider the important Bills which have come up from the Assembly early next week, may I request the Council Secretary through you to supply us with copies thereof for our assistance?

Mr. PRESIDENT: The hon'ble member will please speak to the Secretary.

I now adjourn the House till 2-15 p.m. on Friday, the 5th May, 1939.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 5th May, 1939.

Members absent:

The following members were absent from the meeting held on the 2nd May, 1939:—

(1) Mr. Nur Ahmed.
(2) Mr. Narendra Chandra Datta.
(3) Alhadj Khwaja Muhammad Esmail.
(4) Mr. Kanai Lal Goswami.
(5) Khan Bahadur Saiyed Muazzamuddin Hosain.
(6) Khan Bahadur Syed Muhammad Ghaziul Huq.
(7) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(8) Mr. Humayun Kabir.
(9) Khan Bahadur M. Abdul Karim.
(10) Dr. Radha Kumud Mookerji.
(11) Rai Bahadur Satis Chandra Mukherji.
(12) Mr. H. P. Poddar.
(13) Rai Bahadur Radhica Bhusan Roy.
(14) Mr. D. H. Wilmer.

B. G. Press—1939-40—2873A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 5th May, 1939, at 2-15 p.m., being the third day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair

Oath of Allegiance.

Mr. PRESIDENT: Any member desiring to take his seat will please come to the table and take the oath or make the affirmation of allegiance in the manner prescribed.

The following members took the oath of allegiance to the Crown:—

(1) Mr. W. F. Scott-Kerr.

(2) Mr. W. B. G. Laidlaw.

QUESTIONS AND ANSWERS

The Bengal Cruelty to Animals (Amendment) Act, 1938.

16. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether the Government proposes to implement now the promise of the Home Minister made on behalf of Government that the provisions of the Bengal Cruelty to Animals (Amendment) Act, 1938, would be extended to the districts of 24-Parganas and Howrah;

(b) whether the Government did not state that they were in correspondence to arrange the preliminaries for extending the provisions of the Act to those districts;

(c) if so, what has been the result of those correspondence;

(d) with whom the Government corresponded;

(e) whether the Hon'ble Minister will please lay on the table the correspondence and the replies thereto; and

(f) when the Hon'ble Minister proposes to carry out the said promise?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes. Government proposes to extend the Act to the industrial areas of the 24-Parganas and Howrah districts as soon as the preliminaries required by the Act have been completed.

(*b*) Yes.

(*c*) Negotiations with the local bodies interested are in progress.

(*d*) The Commissioners of the Presidency and Burdwan Divisions and the District Magistrates of 24-Parganas and Howrah.

(*e*) No.

(*f*) Please see answer to clause (*a*) above.

Mr. LALIT CHANDRA DAS: Arising out of answer (*a*), a similar answer was given during the last session. May I enquire when is it likely that the preliminaries required by the Act will be completed?

The Hon'ble Khwaja Sir NAZIMUDDIN: It all depends on the officials of those places and the non-official bodies there, who must come forward and undertake the responsibility, both financial and otherwise. Government are very anxious to see these provisions extended, but there are certain responsibilities that the local people have to undertake and until that is done, they cannot be extended.

Mr. LALIT CHANDRA DAS: Exactly the same statement was made by the Home Minister during the last session two months ago. May I enquire how far the negotiations have progressed; whether there is any likelihood of this Act being brought into operation in the near future; if so, in how many months' time?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is very difficult to indicate any time. The matter, as I said, is a great deal dependent on the people coming forward and finding money for the responsibilities which they will have to undertake and until we are sure about this, we cannot say anything definitely.

Mr. LALIT CHANDRA DAS: Arising out of answer (*d*), may I enquire from the Hon'ble Minister whether the Commissioners of the Presidency and Burdwan Divisions and the District Magistrates of 24-Parganas and Howrah are in favour of the promulgation of that Act in those areas?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the replies of the Commissioners were not very favourable. The Commissioner of the Burdwan Division agreed with the view of the District Magistrate, Howrah, that it is not advisable just now to extend the operation of the Bengal Cruelty to Animals Act, 1920, outside the Municipalities of

Howrah and Bally. The Act was extended to Howrah Municipality in 1936. As for Bally, a further report from the Commissioner is awaited as to whether the Bally Municipality has been selected, and whether there would be any difficulty in observing all the preliminaries mentioned.

Mr. LALIT CHANDRA DAS: Arising out of answer (*c*), which are the local bodies interested in this matter, and with whom the negotiations were carried on?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already mentioned this: the Burdwan Division. As regards the 24-Parganas Municipalities, it has been reported that two municipalities, namely, Garden Reach and Tollygunge in the Sadar subdivision of the district of 24-Parganas, have agreed to set up committees for working the Act. The District Magistrate, 24-Parganas, has been asked to submit his formal proposals in the matter to the Government through the Commissioner with draft notification. It appears that the present Barrackpore Society for the Prevention of Cruelty to Animals is not anxious to take the responsibility of administering the Act. The District Magistrate has been instructed to convene a meeting of all interested parties in the Barrackpore subdivision, and see if the Barrackpore Society can be induced to undertake the task. Failing that, the District Magistrate will examine the possibility of a separate organization being set up for the purpose. The District Magistrate has also been requested to invite other municipalities in the industrial areas in 24-Parganas to come forward and to work the Act.

Damage of crops in Sankarpur village.

17. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that in the reply to starred question No. 92 on the 28th February, 1939, the Hon'ble Minister stated in the Legislative Assembly that 50 per cent. crops has been damaged in village Sankarpur under police-station Narail in the district of Jessore?

(*b*) If so, what are the amounts of relief in money and agricultural loan paid by the Government to the inhabitants of the said village and what are the names of persons thus helped by the Government?

(*c*) Is it a fact that most of the inhabitants of the said village are unable to buy seed for agricultural purposes due to want of money?

(*d*) If the answers to clauses (*a*) to (*c*) are in the affirmative, will the Hon'ble Minister be pleased to state whether any steps have been taken or are intended to be taken by the Government in this matter? If so, what are they? If not, why not?

(*e*) Is it a fact that the inhabitants of the said village are not able to pay off their rents to the landlords due to want of money?

(*f*) If so, does the Government propose to take any steps to stop rent suits from being filed by the landlords in the coming Bengali year, and allow them some time for paying off their rents? If not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) The reply was with regard to the Union of Chandibazpur and not in respect of the particular village of Sankarpur which is situated in that Union. It is reported that the condition of this village is better in comparison with others of that Union.

(*b*) Recipients of loan—

	Amount given. Rs.
(1) Prionath Mandal ...	4
(2) Ramcharan Biswas ...	4
(3) Gopal Mandal ...	3
(4) Mahadeb Mandal ...	4
(5) Prionath Mandal (II) ...	3
(6) Bhim Chandra Mandal ...	3
(7) Bejoy Chandra Dey ...	4
Total ...	25

Recipients of gratuitous rice doles—

Relief.

	Mds.	srs.	ch.
(1) Nimaidas Bairagi ...	0	21	0
(2) Purna Sashi Dasi ...	0	21	0
(3) Bipin Das Bairagi ...	0	24	0
(4) Asharani Dasi ...	0	5	0
(5) Satya Charan Biswas ...	0	21	0
(6) Bhagyadhar Saha ...	0	15	12
Total ...	2	27	12

(c) No.

(d) Does not arise.

(e) There are some such cases. But this is more or less common every year.

(f) Government has no power to prevent landlords from filing civil suits under the law.

River Gumti.

48. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(a) whether since September, 1937, he was promising the construction of escapes for the escape of the excess flood water in the river Gumti, which flows by Comilla in the district of Tipperah, in order to prevent damages to the crops of the peasants;

(b) whether in pursuance of such promises estimates were actually drawn up for the construction of three escapes, two on the right side and one on the left side of the river Gumti;

(c) whether it is a fact that the Government is now advised to go back upon the schemes;

(d) whether it is a fact that only 9 miles of the embankment on the right side of the Gumti is Government embankment and the rest of more than double that length is not under the Government;

(e) whether it is now suggested that the Government portion of the embankment should be further strengthened by earth works;

(f) what Government proposes to do about the rest of the embankment; and

(g) whether the Government promised to start works on escapes this year and whether Government will carry out that promise; if so, when?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) I do not think that any such promise has ever been given. I agreed that escapes might prove effective; and in the reply which I gave on the 11th August, 1938, to Mr. Kamini Kumar Dutt's question No. 29, I said that the question of construction would be considered on receipt of an estimate.

(*b*) Estimates have been prepared.

(*c*) Certain important points have to be considered before the construction of escapes is taken up.

(*d*) About 9 miles of the embankment on the right bank of the Gumti river have been taken over by Government; the remaining portion is about 9 miles.

(*e*) No.

(*f*) The matter is under consideration.

(*g*) I said in this House on the 11th August, 1938, that it was expected that the work would be taken up in 1938-39.

Mr. LALIT CHANDRA DAS: When is it now expected that the work will be taken up?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I may inform the hon'ble member that some fresh complication has arisen, and it is difficult to say if we will have to further revise our plans to prevent the flooding.

Mr. LALIT CHANDRA DAS: In view of the urgency of the matter, will the Government be pleased to see that the matter is expedited?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, this Government is aware of the urgency of the matter, but the difficulty is to come to a decision as to the proper scheme which would be effective for the purpose.

Mr. LALIT CHANDRA DAS: Did not Government consider that the schemes would be effective, when the estimates were drawn up?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I have already stated, fresh complications have arisen from the fact that the people of the area where the water was to have been carried by the escapes are now objecting to the proposal and until and unless we are satisfied that the water which is diverted to that area would not in any way be injurious and harmful for the crops or homestead, we cannot proceed with the scheme.

Mr. LALIT CHANDRA DAS: When is it likely that Government will be able to finish getting all the information necessary for the purpose?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think within the financial year.

The Companyganj-Nabinagar and the Brahmanbaria-Churta Roads.

19. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) what is the total balance of money yet unspent for development of roads in Bengal and what is the total amount of money Government intends to spend for the same in the year 1939 on plans which are ready to be executed;

(*b*) whether on the 9th February, 1939, in reply to my question No. 9, the Hon'ble Minister stated that the two roads, Companyganj-Nabinagar Road and the Brahmanbaria-Churta Road, in the district of Tipperah were included in Mr. King's comprehensive programme of Development of Roads in Bengal;

(*c*) if the answer to clause (*b*) be in the affirmative, whether for developing those two roads, plans and estimates have been drawn up;

(*d*) if the answer to clause (*c*) be in the negative, when both the plans and estimates for those two roads will be drawn up; and when or in which year it is likely that the actual work on those two roads will be taken up;

(*e*) whether Government will advise and direct Mr. King, Engineer, to include the Comilla-Companyganj Road also in his Road Development Programme; and

(*f*) how far has Dacca-Aricha Road progressed in development works?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) On the 1st of April, 1938, the opening balance in the Road Fund with the Government of Bengal was Rs. 32,38,000. My information is that expenditure on Road Fund work in 1938-39 was about Rs. 21 lakhs, leaving a balance of about Rs. 11½ lakhs. In addition, the Government of India hold at the credit of this province a further sum of about Rs. 31½ lakhs in respect of revenue raised upto the 30th September, 1938. There is, therefore, about Rs. 43 lakhs in the Road Fund. It is expected that expenditure in 1939-40 will be about Rs. 30 lakhs.

(*b*) Yes.

(*c*) No.

(*d*) I cannot say at present. The needs of other districts some of which have not benefited so far from the Road Fund have to be considered.

(*e*) As Mr. King's report has been completed and published this is not possible.

(*f*) The project has not yet been submitted for the consideration of the Government of India.

Re-excavation of the Dhurung khal.

20. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to refer to his answer to my question No. 21 given at the meeting of the Bengal Legislative Council held on the 9th February, 1939, and to state what was the cost of rough estimate prepared for the re-excavation of the Dhurung *khal* in question.

(*b*) Is the Hon'ble Minister aware that the local people are agreeable to raise voluntary subscription to supplement the reasonable costs to be incurred by the Government? If so, will Government take up this project?

(*c*) Has the Hon'ble Minister held any enquiry as to how many persons will be benefited by the re-excavation of this *khal*? If so, will the Hon'ble Minister be pleased to state what is the number of such people who would be benefited by the re-excavation of Dhurung *khal*? Will he be pleased to have an enquiry made in the matter?

(*d*) Is it a fact that the people of the locality have been continually agitating for many years for the excavation of this *khal*?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Over Rs. 4 lakhs.

(*b*) The answer to the first part of the question is in the negative. The second part therefore does not arise.

(*c*) My information is that the area likely to be benefited is less than six square miles. I do not think any useful purpose will be served by making any further investigation.

(*d*) Yes.

Representative of the Chamber of Commerce.

21. Rai Bahadur SURENDRA NARAYAN SINHA: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state why only one representative of the Chamber of Commerce was nominated on the Road Transport Committee recently formed?

(*b*) Will the Hon'ble Minister be pleased to state who are the other representatives of other such organisations like the Chamber of Commerce who have been nominated on the Road Transport Committee?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The attention of the hon'ble member is invited to the terms of Resolution No. 812C., dated the 23rd March, 1939, published in the *Calcutta Gazette* of the 6th April, 1939. I have no doubt that the views of the Bengal Chamber of Commerce, the Bengal National Chamber of Commerce and Commercial organisations can be adequately expressed by their representatives on the Provincial Board of Communications and I see no reason for increasing their number.

The Willingdon Bridge at Bally.

22. Mr. RANAJIT PAL CHAUDHURI: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) whether it is a fact that at the Willingdon Bridge at Bally, the recent practice is that the toll-fee on motor cars is to be handed over personally to the Collector inside his shed before permit is given;

(*b*) whether it is a fact that according to the previous practice the toll-fee used to be accepted by the gateman in charge who deposited the fee with the Collector and handed over the permit to the driver or owner of motor cars as the case may be;

(*c*) whether it is not a fact that this change in practice has caused great inconvenience to owner-driven cars when owner-drivers have to get down and hand in the fee to the Collector inside his shed, even during rain, hail or storm; and

(*d*) whether it is proposed to modify the practice in the case of the owner-drivers?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) This was the practice for a few months.

(*b*) and (*c*) Yes.

(*d*) The practice was recently changed and drivers of cars can now obtain tickets on payment, through the gate peons.

Grazing land.

23. Mr. NUR AHMED: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Veterinary Department aware of the fact that there is a great demand for lands for grazing purposes in rural Bengal; if so, what steps he has taken to provide the required facilities to the agriculturists for grazing of these cattle?

(b) Will he kindly state what measures he proposes to take in this matter?

(c) Is the Hon'ble Minister concerned aware that the levy of fee for grazing by Forest and other departments is causing great hardship to the poor agricultural population of Bengal?

(d) Is he contemplating to abolish the system of levying grazing fee in Bengal?

(e) Is it a fact that the Government of Bombay abolished grazing fee at an annual loss of Rs. 6½ lakhs to the Government?

MINISTER in charge of the AGRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): I am aware of the problem of fodder for cattle in the province. But I do not think that this problem can be solved by the provision of grazing lands. On account of the pressure of population on land suitable for habitation or cultivation it is no longer possible to provide sufficient pasture-land in the province. My department is trying to solve the problem by popularising the cultivation of Napier grass and other fodder crops by intensive demonstration and by the distribution of seeds and cuttings of such fodder crops. It is also encouraging other forms of fodder such as silage-making, etc. It has been found on experience that an acre of pasture is not enough for keeping a single animal in good condition whereas the same area of Napier grass maintains ten Bengal animals in excellent condition. If the advice of the department is accepted by all, it will be enough to grow Napier grass on the little fallow land attached to each homestead instead of converting valuable arable or habitable land into pasture which is both impracticable and uneconomical.

(c) and (d) This concerns the Forest and Excise Department.

(e) I have no information about this.

Mr. RANAJIT PAL CHAUDHURI:—Is the Hon'ble Minister aware that silage-pits are not successful in most of the districts of Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: No.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that more than 30 per cent. of fallow land is available in West Bengal districts where grazing arrangements can be made?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not sure about the percentage.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Does the Hon'ble Minister think that mere advice to grow Napier grass is enough and that no direct action by Government is necessary for the purpose?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government is giving advice and if that advice is acted upon, that will be enough for the purpose in the opinion of Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that there are areas where the Napier grass cannot be grown at all, and therefore, some other method of giving grass to the cattle is necessary?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, I agree that there are areas where Napier grass cannot be grown.

Mr. RANAJIT PAL CHAUDHURI: Is the Hon'ble Minister aware that it takes a lot of manuring expense to grow Napier grass?

The Hon'ble Mr. TAMIZUDDIN KHAN: Not much, I think.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister please state whether the experts of the Agriculture Department have been consulted in the matter, that is to say, whether the opinion embodied in this answer is the opinion of the experts of the department?

The Hon'ble Mr. TAMIZUDDIN KHAN: The answer is in the affirmative.

ADJOURNMENT MOTION.

Mr. PRESIDENT: Mr. Kader Baksh, will now move his adjournment motion.

Mr. KADER BAKSH: Sir, I expected that a motion like this would be given notice of by the hon'ble members of the Congress in this House——

Mr. PRESIDENT: The hon'ble member should first move his motion that the House do now adjourn and then make his speech.

Mr. KADER BAKSH: All right, Sir. I beg to move my motion which runs as follows: that the House do stand adjourned to discuss a definite matter of urgent public importance, viz., the failure of the

Government to give adequate protection to persons assembled in the public park at Wellington Square during the disturbances of the 30th April, 1939, and which continued on the 1st of May, 1939, during the course of which distinguished guests from various provinces including Rastrapati Dr. Rajendra Prosad were disgracefully attacked by Congress hooligans on the occasion of the sitting of the All-India Congress Committee at Calcutta.

This is a motion, Sir, of which I gave notice on the 2nd May.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I suggest that the hon'ble member should go up to one of the loud-speakers so that he may be properly heard?

(Mr. Kader Baksh went up to one of the microphones—towards the far end of the House.)

Mr. KADER BAKSH: Sir, I expected that notice would have been given of such a motion by my friends of the Congress in Opposition, but having found that they did not do anything like that, I was constrained to give notice of a motion like this. I have tabled this motion with a view to criticise the policy adopted and the inaction exhibited by Government in not making adequate police arrangements on the 30th April and the 1st of May at the Wellington Square to ensure security to the members of the All-India Congress Committee and specially to the persons of the distinguished visitors from outside Bengal on the occasion of the All-India Congress Committee session held in the Wellington Square from the 29th of April to the 1st of May, 1939, even after the events of the 29th of April had taken place and after being fully acquainted with the feeling of indignation of Bengal Congress—which ran very high from before the commencement of the conference there. Government must have been in full possession of the facts and the course of events which were rolling down from the time of the Tripuri Congress and should have anticipated that the momentous session of the All-India Congress Committee at the Wellington Square might in all probability give rise to a situation necessitating adequate police protection. Government was expected to apprehend that acts of goondaism would but be the natural consequence of that feeling of indignation ventilated through local papers from before. Government was further expected to know, and it is not for me to remind them, that the Gandhian policy of strict adherence to the principles of non-violence and observance of toleration and strict discipline in the Congress rank and file is but a delusion and a huge subterfuge. I don't like to cite instances of Congress hooliganism of the worst type in the Congress-governed provinces where Gandhian policy has been ruthlessly flouted by his followers and that false prophet of non-violence——

Mr. RANAJIT PAL CHAUDHURI: The microphone seems to have rendered his voice distorted with the result that we cannot follow what he says. This is confusion worse confounded.

Mr. PRESIDENT: It would be better if the hon'ble member come to the microphone near to me.

Mr. KADER BAKSH: Sir, shall I begin from the very beginning?

Mr. PRESIDENT: Order, order, you continue your speech.

Mr. KADER BAKSH: .....and that false prophet of non-violence, who aspires to convert Hitler and Mussolini to that policy of his, bore all these misdeeds of his people with a smiling face. Government certainly know that the Gandhian policy of non-violence which they call *Ahimsa* is but violence of the worst type in disguise. (MR. RANAJIT PAL CHAUDHURI: Question.) Mr. Subhas Chandra Bose did certainly apprehend some sort of disturbance in the Calcutta session of the All-India Congress Committee and this is absolutely clear from the passionate appeal he made at the beginning of the proceedings of the A. I. C. C. Session to allow the discussions to be conducted in an atmosphere of calm and peace and earnestly requested all concerned to refrain from giving practical demonstration to the subdued feeling of insult and humiliation believed to have been caused to Bengal Congress by the high-handedness of Congress leaders of other provinces since the election of the President of the Tripuri Congress session, presumably guided by the forces of mean tactics and black intrigues from behind the scenes manipulated, not improbably, by the so-called prophet of non-violence from his seat of security at Wardha, who perhaps at the time of the Tripuri Congress session purposely managed to get himself entangled with Rajkot problem and kept himself busy with Viceregal visits and the Federal Court leaving poor Tripuri affairs in charge of his lieutenants and——

Mr. PRESIDENT: Order, order, the hon'ble member must be relevant.

Mr. KADER BAKSH: All right, Sir, I am coming to it.

Mr. PRESIDENT: "Coming to it" will not do, you must come at once to the point.

Mr. KADER BAKSH: .....leaving poor Tripuri affairs in charge of his lieutenants and hangers-on under the leadership of Pt. Gobinda Ballav Pant. How that appeal of the beloved child of Bengal—the

patriot of all patriots—I mean Subhas Chandra Bose was responded to by the practical demonstrations of his followers is a matter for the country to consider most seriously.

Sir, I can assure you and my friends on the Opposition Benches that it is not my intention to criticise the actions of those who exhibited their show at the Tripuri stage; neither do I care to discuss how Mr. Gandhi made the Pandits, Patels, and Desais dance on that stage by pulling on the wires from behind, except in so far as it relates to the matters contained in my motion.

Mr. LALIT CHANDRA DAS: Sir, is this all relevant?

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, is he criticising the Government or the Congress?

Mr. PRESIDENT: Order, order. What is your point of information?

Mr. SHRISH CHANDRA CHAKRAVERTI: It is this, Sir. He seems to be criticising the Congress more than the Government, which it is his avowed intention to do.

Mr. PRESIDENT: Order, order, you will have your chance when you speak, to refer to this matter.

Mr. KADER BAKSH: Sir, my sole object is to place before the House only the incidents that took place on those days and the failure on the part of the Government to take adequate and timely precautionary measures to control the situation that had arisen in the Wellington Square and its neighbourhood. These incidents will form a black and disgraceful chapter in the future history of the Bengal Congress. Whatever provocation might have been given to the Bengal Congress by the gross unfairness and the shamelessness of the hoary-headed leaders of other provinces both at Tripuri and Wellington Square, Bengal Congress should have behaved with dignity and forbearance which our Subhas showed in the midst of a most provocative situation both at Tripuri and Calcutta, and should not have allowed Bengal's fair name to be blackened by those acts of shameless hooliganism which found expression in the insults and cowardly attacks directed against the distinguished guests from outside including Rastrapati Dr. Rajendra Prosad and also against some Bengal Congress leaders.

Sir, I now come to the incidents direct. On the 29th of April, feeling ran very high and insults were hurled against the Congress leaders on the dais. When the meeting dispersed for the day and

Hon'ble Pt. Govinda Ballav Pant, the Premier of the United Provinces, was coming out of the *pandal*, shoes were thrown at him. Pandit Nehru also shared the same fate in his attempt to save the Hon'ble Pandit Pant. In front of Jamiruddin's house on the Wellington Square North Road, a riot of a serious nature was narrowly averted by the timely intervention of the police and the arrest of some Congress hooligans, who were subsequently tried and convicted. On the next day, that is on the 30th of April, the matter got worse. A man of the position of Mr. Bhulabhai Desai——

Mr. RANAJIT PAL CHAUDHURI: May I rise on a point of order, Sir?

Mr. PRESIDENT: Yes, what is your point of order?

Mr. RANAJIT PAL CHOUDHURI: This is an adjournment motion and he is drawing attention to——

Mr. PRESIDENT: Please state your point of order first.

Mr. RANAJIT PAL CHAUDHURI: This is an adjournment motion, Sir, purporting to draw attention to the failure of Government to give adequate protection——

Mr. PRESIDENT: On a point of order, you must not argue, but briefly state your point of order. What is your point of order?

Mr. RANAJIT PAL CHAUDHURI: The point is whether what he is saying is relevant to his motion.

Mr. PRESIDENT: If he is irrelevant, I shall stop him.

Mr. KEDAR BAKSH: On the 30th April, the matter got worse. A man of the position of Mr. Bhulabhai Desai was struck with shoes. Mr. Kiron Shanker Roy, and Dr. Prafulla Chandra Ghose also did not escape molestation. They, however, managed to save themselves from further assaults by taking to their heels. Then, I come to the events of the 1st of May. Dr. Rajendra Prosad was assaulted in a cowardly fashion and Pandit Jawaharlal Nehru was hotly chased, but he saved himself by taking shelter in the residence of Dr. Bidhan Chandra Roy. Dr. Prafulla Chandra Ghose also could not escape the vigilant eyes of the Congress hooligans. Sir, this was not all——

Mr. PRESIDENT: Order, order. I do not like to interrupt the hon'ble member, but he should try to be relevant. He has got only

3 minutes to conclude his speech. He should come to the point and show how Government have failed to keep order during the proceedings of the last session of the All-India Congress Committee. He has only 3 minutes more to conclude his speech as he has already spoken for 12 minutes.

Mr. KADER BAKSH: If I have, Sir, only 3 minutes to go, I would ask for your permission to allow me to speak for 3 or 4 minutes more.

Mr. PRESIDENT: I may consider that if you be relevant.

Mr. KADER BAKSH: Not being satisfied with these acts of *goondaism*, these unruly people, in the fair name of Congress and certainly inspired by a false notion of saving the prestige of Bengal Congress, lost all sense of proportion and decorum, and broke the glass doors and windows of Dr. Bidhan Chandra Roy's house. In the fight between the so-called Congress workers and the Congress volunteers, some of the latter group were badly injured. Reign of terror prevailed in the square and in its neighbourhood. I shall be failing in my duty if I do not appreciate the amount of restraint shown by Congress volunteers on the occasion.

All this time, Mahatma Gandhi with his sublime creed of non-violence must have been watching perhaps with great satisfaction how his creed was being practically demonstrated. It is no wonder that he felt that the very ground under his feet was shaking and his leadership was coming to an end irretrievably. I cannot persuade myself to believe that Government was ignorant of the currents and under-currents of the Congress organisation. Government must have known better than anybody else that the Gandhian policy of non-violence is but a plea for the propagation of violence, that discipline in Congress rank and file is but a wild talk, that this kind of *goondaism* is not uncommon amongst Congress people, whenever their views are not shared by others. Government should have been more imaginative on the occasion and should have made elaborate police arrangements, at least after the happenings of the 29th April, and this could have averted all those disgraceful acts that were manifested by Congress hooliganism. Not only the Congress people but persons of all shades of political opinion have been disgraced and humiliated due to these acts of *goondaism* on the part of the Congress workers. Though I appreciate the steps taken by Government in making some police arrangement and precautionary measures, but for which the catastrophe would have been immensely greater, yet I cannot help at the same time accusing Government for not making elaborate police arrangements after the happenings of the 29th April, and for placing faith and confidence in

the discipline of the Congress. Government should have been wide awake about the trend of events and should not have depended upon Congress's big talk. I would like to draw the attention of my Congress friends of this House to the amount of training the Congress followers have received in the path of discipline and in the path of the so-called non-violence. I thank them because they have not chosen this time to drag in either Hon'ble Mr. A. K. Fazlul Huq or the Hon'ble Khwaja Sir Nazimuddin to have manipulated these acts of hooliganism in the Wellington Square and near about——

Mr. PRESIDENT: Order, order. The hon'ble member has reached his time-limit of fifteen minutes. The rules are very strict with regard to speeches on adjournment motions and he cannot be permitted to speak any more.

Mr. KADER BAKSH: Sir, some time has been wasted by my moving here and there. I hope that the Chair will please give me only five minutes more.

Mr. PRESIDENT: Order, order. The rules are very strict. The President cannot allow more than fifteen minutes.

Motion moved that the House do stand adjourned to discuss a definite matter of urgent public importance, namely, the failure of the Government to give adequate protection to persons assembled in the public park at Wellington Square during the disturbance of the 30th April, 1939, and which continued on the 1st of May, 1939, during the course of which distinguished visitors from various provinces including Rastrapati Dr. Rajendra Prosad were disgracefully attacked by Congress hooligans on the occasion of the last session of the All-India Congress Committee at Calcutta.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I would not have participated in this debate but for the mean and vile attack launched against the President of this House by a Bengali newspaper of to-day. I have got a cutting here from this Bengali newspaper. It says——

Mr. PRESIDENT: Order, order. That is a motion concerning the privilege of the House. If the House so considers, it can be mentioned in that way, but that is not strictly relevant so far as this particular motion is concerned.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I do not know whether there is any sinister motive behind this motion. It is

for the House to judge. I do say this that on one of those All-India Congress meeting days, I attended the Wellington Square and I found *golmal*, throwing of brickbats and use of abusive language and the rest of it. The police were there—I do not say that the police were doing nothing—but I think the police were more or less indifferent for various reasons. Perhaps the police assumed that Gandhi's followers are non-violent and it will be the last thing for them to make any violent outburst. But unfortunately, a certain number of people were not non-violent and they were seeking an opportunity to give a thrashing to those people with whom certain Bengal Congress people disagreed. That state of things in the city of Calcutta at a meeting which was attended by the Prime Ministers of various provinces is intolerable, and I would certainly have expected to see the police taking more active part when they were aware that violence was breaking out, brickbats were being thrown. In fact, I was told that somebody was going to throw a hand-bomb in that meeting. The next moment I heard that somebody had gone to Sodepur to burn the hut where Mahatma Gandhi was staying. In fact, that was the talk in the Wellington Square. When we heard so many rumours about burning, etc., it would have been the duty of the police to have been vigilant. I do not know whether this *goondaism* was confined to Congressmen or not. That, of course, I cannot say. The policemen knew who the people were. But I do know that one or two prominent emmbers of the Congress who were violent before, but who by the influence of Mr. Gandhi have been subdued, had something to do with inciting the mob there. I do not like to mention their names, because in these days I may be singled out for attack and flaring articles may be written against me in some newspaper or other. I would like to point out that after the assault took place, after the hooliganism was fully established there, the local newspapers took good care to suppress the fact. They are supposed to be the agents of truth and non-violence, but why is it that they suppressed these facts. Was it not the duty of these newspapers to publish the incidents which took place so that the public would know that such things happened there. But they simply wrote a sort of whitewashing account. I think, Sir, that the police did not do their duty as they should have done after knowing that the feelings roundabout Wellington Square were running very high, that there will be outbursts, there will be violence, there will be fires and all that sort of thing.

Mr. NARESH NATH MOOKERJEE: On a point of information, Sir, may I enquire from both Mr. Kader Baksh and Mr. K. C. Roy Chowdhury whether they actually attended the meetings, and if so from which part of Wellington Square they witnessed all these acts of hooliganism? And also Sir, Mr. Roy Chowdhury——

Mr. PRESIDENT: Order, order. Only one question at a time. Why do you put so many questions to so many persons? Ask one question to one hon'ble member only at a time.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I was outside and not inside the *pandal*.

Mr. NARESH NATH MOOKERJEE: Was it on the street, or from one section of the Wellington Square?

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I walked round the whole of the Square. I met groups of people, heard and overheard their talks.

Mr. NARESH NATH MOOKERJEE: Sir, there is another point of information.

Mr. PRESIDENT: Order, order. There can hardly be any progress in the proceedings of the House if you go on putting any number of questions. When you make your speech, you may raise these points. I have permitted you to put two questions, but it appears you are anxious to continue the process of cross-examination indefinitely. I am afraid, that cannot be permitted.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, rising to speak on the motion before the House, I hope I am not taking any risk of subjecting myself to cross-examination by my Congress friends here or being shifted from place to place to be heard by the House. Sir, the incident which has given rise to this unhappy discussion and which has originated the motion before us is no doubt very much regrettable. We are all sorry for it. Sir, by this sort of unscrupulous and scandalous activities of the misguided people, a disgrace has been brought upon this country. The good name of Bengal has been tarnished and the tradition of hospitality of Bengal has also been put into question. We do not know who were actually responsible for this, but whoever they may be, they deserve severe condemnation. Sir, we cannot lightly pass over the incident which has culminated in an assault on men of position, on men who are All-India leaders, on men who hold exalted positions of Premiers of other Provincial Governments, and who are at the helm of the Congress organization. I think I voice the unanimous views of this House that we are all sorry for this. (Khan

Bahadur NAZIRUDDIN AHMAD: Not unanimous.) There is a friend who is not sorry for this incident. I do not know the reason. Sir, in this connection, I cannot congratulate the organisers of the All-India Congress Committee who took a great risk on them without fully considering perhaps the seriousness of the situation. It is no secret that the session of the All-India Congress Committee was being held under very peculiar circumstances which had been created consequent on the tangle of the last presidential election of the Congress. Everybody knew full well that the All-India Congress Committe were meeting under a tension of feelings, and I wish that the organisers of the meeting had shown adequate far-sightedness before they took upon themselves this risk. Sir, if my information is correct, the All-India Congress Committee's session was not a public meeting. But knowing full well that feeling was very strained, knowing full well that disturbance might take place at any moment, the organisers admitted a large number of visitors within the *pandal*. Had it not been for this fact, I think there would not be any occasion for expression of regret for the unpleasant events under discussion. There were sittings for three days. Fortunately or unfortunately, I attended the meeting on the second day, and I came out very much disappointed and disgusted. Congress leaders and Congress members always speak very highly of their organization, and they take pride in Congress discipline, but what I saw inside the *pandal* belied the impression which was created in my mind before.

Sir, I saw with my own eyes that a valuable clock hanging in front of the house of Dr. B. C. Roy was broken. This was certainly an act of *goondaism*. But it remains to be determined who were responsible for this, and who were responsible for these actions of *goondaism* and how far Government was responsible for any sins of omission and commission on their part. On this point, Sir, I expect that the Hon'ble the Home Minister will explain the position of Government and then we shall be in a position to give our verdict as to the extent of responsibility of Government in this matter. But as far as I can understand, in this matter Government perhaps relied on the sense of responsibility of the Congress. I am really sorry that, what with the ill-considered and ill-advised action of the Bengal leaders in taking this risk upon themselves and what with the unscrupulous and disgraceful action of the real culprits, people of position hailing from other provinces have gone back with a very poor idea about the state of affairs here. Really, when we consider that the representatives of other Provincial Governments and men of position have been insulted here and have gone back with a very unfavourable idea about this place and the people of this place, we hang down our heads in shame. Sir, this is not a matter on which a lengthy speech is required. I only want to conclude with the hope that in future the Congress will be

more circumspect in taking responsibility upon themselves which they have now proved they are unfit to discharge properly. We shall also consider about the deeds or misdeeds on the part of the police and as a matter of fact on the part of the Government after we have heard what the Hon'ble Home Minister has got to say in this connection.

MAULANA MUHAMMAD AKRAM KHAN: মাননীয় সভাপতি, আজিকের যে প্রস্তাব এই প্রস্তাবের মূল উদ্দেশ্যের সঙ্গে আমার সহানুভূতি থাকলেও এর সমস্ত বিবরণের সঙ্গে আমার সহানুভূতি নাই। প্রস্তাবের অভিযোগ গভর্ণমেন্টের বিরুদ্ধে করা হোয়েছে এবং প্রধান উপলক্ষ্যরূপে গ্রহণ করা হোয়েছে কংগ্রেস গুণ্ডামি। কিন্তু আমি যতদূর জানি, যে কোন গুণ্ডামি হোলেই তাকে Congress Hooliganism বলা চলে না। সেগুলি হোচ্ছে anti-congress গুণ্ডামি। বাংলার একদল লোক যারা হিন্দুসভার আন্দোলনকারী তারা ভারতের কংগ্রেসকে নানারূপে বিধ্বস্ত ও বিপন্ন করবার জন্য বিভিন্ন প্রকারের হীন ষড়যন্ত্রে লিপ্ত আছে। এবং সেদিনকার গুণ্ডামি সেই হীন নীচ ষড়যন্ত্রের ফল। কাজেই সেদিনের গুণ্ডামিকে কংগ্রেসের না বোলে, anti-congress গুণ্ডামি বলা উচিত। আমাদের গভর্ণমেন্টের বিরুদ্ধে অভিযোগ এই যে সেদিন তাঁদের সতর্কতা অবলম্বন করা উচিত ছিলো। বিশেষতঃ প্রথম দিনের কার্য্যপ্রণালী দেখবার পর সেখানে বিশেষ রকমের যে সাবধানতা অবলম্বন করা উচিত ছিলো, সেটা করা হয় নাই। আমার মনে হয় গভর্ণমেন্ট যে এতটা নীরব ছিলেন তার কারণ তাদের মনে একটু লজ্জার ভাব ছিলো তাছাড়া যাঁরা কংগ্রেসের নাম কোরে এসেছিলেন তাঁদের কারো ঘাড়ে যদি হঠাৎ লাঠি পড়তো তাহলে ললিত দাস কালই একটা Adjournment motion এনে বিপদে ফেলবেন তার থেকে ওরা নিজেরা নিজেরা যা করে করুক আমরা দূরে থেকেই দেখি ব্যাপার কতদূর গড়ায়। এই ভাব কতকটা ছিলো, সেইজন্য আমি বোলছি যে আরো সতর্কতা অবলম্বন করা উচিত ছিলো।

তাদের, যাদের প্রতি এই অবিচার অত্যাচার করা হোয়েছে, বর্ত্তমানে তাদের সঙ্গে রাজনৈতিক বিষয়ে মতের প্রভেদ থাকলেও আমি তাদের একজন, বহুদিনের নগণ্য সহকর্ম্মী হিসেবে তাঁদের সকলকেই বিশেষভাবে জানি। তাঁদের ব্যক্তিত্ব, তাঁদের ব্যক্তিত্বের গুরুত্ব তাঁদের সর্ব্বভারতীয় সম্ভ্রম যে বাংলাদেশে বিধ্বস্ত হয়েছে সেটা বাংলার হিন্দু মুসলমান সকলের পক্ষেই অত্যন্ত লজ্জার কথা। এবং বাংলার বাইরে যখন আমরা মুসলিম লীগ বা কংগ্রেস করবার জন্য যাবো তখন আমরা কোন মুখে যে উপস্থিত হবো ভেবে পাই না। কোন খবরের কাগজ যে রকম অভদ্রোচিত মন্তব্য প্রকাশিত কোরেছে যে ডাঃ প্রফুল্ল ঘোষকে মেরে মাথা ফাটানো হয়েছে, বৃন্দাবনে যাবার জন্য তিনি ন্যাংচাইতে ন্যাংচাইতে ট্রেনে উঠছেন, এসব ভদ্রতার কথা নয়। আত্মসম্মান-জ্ঞান থাকলে অপরের প্রতিও ভদ্রতাবোধ থাকতো, কাণ্ডজ্ঞান যদি থাকতো তাহলে লজ্জায় মো'রে যেতো, এরকমভাবে অভদ্রের ন্যায় মুখ ভেঙচানি দিতো না।

যাহোক, ওয়েলিংটন স্কোয়ারের ঘটনা সম্বন্ধে Home Minister দের কাছে আমি একটা বিষয়ের উল্লেখ কোরতে চাই। বিষয়ের গুরুত্ব প্রতিপাদনের জন্য ঘটনাটা বলা আবশ্যক। সংবাদ-পত্রে যে সমস্ত কোর্টের মকদ্দমার রিপোর্ট প্রকাশ হোয়েছে তার মধ্যে আমরা দেখতে পাই ওয়েলিংটন স্কোয়ারের ঘটনার কতক আসামীদের কোর্টে উপস্থিত করা হোয়েছে। তাদের বিরুদ্ধে দাঙ্গা হাঙ্গামার অভিযোগের সঙ্গে সঙ্গে এ অভিযোগও উপস্থিত করা হোয়েছে যে ওয়েলিংটন স্কোয়ারের মসজিদের ও তারা জানালার কাঁচ ভেঙ্গে ফেলেছে এটার প্রতি বিশেষভাবে Home Minister এর দৃষ্টি আকর্ষণ কোরছি। এই রকমের ব্যাপার যদি সংঘটিত হোতে থাকে, এইভাবে যদি ব্যক্তি-স্বাতন্ত্র্য মানুষের স্বাধীনমত যদি বিপন্ন হোতে থাকে তাহলে বাস্তবিকপক্ষে কলকাতায় ভদ্রলোকের তিষ্টানো দায় হবে।

KHAN BAHADUR MAULVI MUHAMMAD IBRAHIM: এ বিষয়ে আমার বক্তব্য এই যে আমরা যে যতই বিরুদ্ধবাদী হই না কেন কংগ্রেস যে ভারতবর্ষের সর্ব্বাপেক্ষা শক্তিশালী প্রতিষ্ঠান সেকথা অস্বীকার করবার উপায় নাই। এই কংগ্রেসের বাংলাই হোচ্ছে জন্মভূমি। বাংলার সুরেন্দ্র নাথ প্রমুখ মনিষীগণ একে সূতিকাগার হোতে বাহির ক'রে লালন পালন কোরেছেন। বাঙ্গালী এমনভাবে সেই কংগ্রেস হ'তে বিতাড়িত হচ্ছে যে তা দেখলে বড়ই দুঃখ হয়। গত ত্রিপুরী কংগ্রেসে বাংলার সুসন্তান সুভাসচন্দ্র কোন অজ্ঞাতশক্তির মনোনীত সীতা-রামীয়াকে পরাজিত কোরে সভাপতি নির্ব্বাচিত হোয়েছিলেন সেই জন্য বাঙ্গালী-বিদ্বেষের বশবর্ত্তী হোয়ে অন্য প্রদেশীয়েরা যে ভাবে তাঁদের অপমানিত কোরেছে, এবং একটা প্রদেশের প্রধান মন্ত্রী গোবিন্দ বল্লভ পন্থ কোন অদৃশ্য শক্তির আড়ালে থেকে যে ভাবে প্রস্তাব তাঁর বিরুদ্ধে পাশ কোরেছিলেন সে একটা অবাঞ্ছিত ব্যাপার। বাঙ্গালী-বিদ্বেষের বশবর্ত্তী হইয়াই যে ঐ প্রস্তাব পাশ হইয়াছিল, তা' রাজেন্দ্র প্রসাদের কথাতেই বেশ বুঝা যায়; কেননা বাবু রাজেন্দ্র প্রসাদ বলেন ঐ সকল বিষয় তাঁহার প্রতি প্রযোজ্য নয়, কেবল সুভাস চন্দ্রের বিরুদ্ধেই প্রযোজ্য বটে। রাষ্ট্রপতি সুভাসচন্দ্র বাংলায় যখন কংগ্রেস কমিটির আহ্বান কোরেছেন সেজন্য অন্য প্রদেশের বহুলোক বাঙ্গালী সুভাসচন্দ্রকে পরাজিত করার জন্য একতাবদ্ধ হোয়ে এদেশে আসেন, এবং তাঁর বিরুদ্ধে পূর্ব্বেই পন্থ প্রস্তাব গৃহীত হওয়ায়, কংগ্রেসের ভিতরে একটা মিটমাটের বহু প্রয়াস কোরেও যখন সফলকাম হলেন না তখন তাঁকে রাষ্ট্রপতির উচ্চপদ থেকে রিজাইন দিতে হোয়েছে। এ শুধু সুভাষচন্দ্রের অপমান নয়, বাঙ্গালী কংগ্রেসীর অপমান নয়, হিন্দু সমাজের অপমান নয়, সমস্ত বাঙ্গালী জাতির অপমান। হিন্দুর অপমান, মুসলমানের অপমান, বাংলার সর্ব্বসম্প্রদায়েরই অপমান বোলে আমি এটাকে মনে করি। বাংলার যুবক-সম্প্রদায় এই অপমানে অত্যন্ত অপমানিত হোয়েছে, এবং তার জন্য যদি সাময়িক উত্তেজনাবশে তারা কিছু কোরেই থাকে সেটা অবশ্য তারা স্বাভাবিক ভাবেই কোরেছে। গোবিন্দ বল্লভ পন্থের মতন লোক রাজেন্দ্র প্রসাদের মতন লোক বাংলার সুভাসচন্দ্রকে যে রকমভাবে অপদস্ত কোরেছে, অপমানিত কোরেছে সেটা বড়ই অসহনীয়। আমি আনন্দের সঙ্গে একথা বোলবো যে বাংলার যুবকদল নির্জীব নয়, মৃত নয়, এবং সেই জন্যই তারা আজ জীবনের পরিচয় দিয়েছে। হয়তো আপনারা বোলবেন যে অন্য প্রদেশের লোকেরা ছিলেন অতিথি; কিন্তু অতিথি হোলে তাঁদের অতিথির মতনই ব্যবহার করা উচিত ছিলো। আমাদের ঘরে যদি কোন লোক সৎভাবে আসে, তার প্রতি আমরা ভালো ব্যবহারই কোরে থাকি, কিন্তু ঘরে থেকে কেউ যদি চুরি করে তাহলে তাকে কি আমরা রেয়াৎ কোরবো? বাঙ্গালীর এই অপমানকে প্রতিশোধ দেবার জন্য সাময়িক উত্তেজনা-বশতঃ কতিপয় যুবক যা' কোরেছে, তা বেশী কিছু করে নাই। বাংলার যুবকদের চেয়ে সহস্রগুণ বেশী গোবিন্দ বল্লভ পন্থের দলের লোকেরা কোরেছে। অবশ্য একথা সত্য যে পন্থের প্রস্তাবের সঙ্গে বাংলার কংগ্রেসের কতিপয় সদস্যের যে এই কাজের প্রতি সহানুভূতি ছিলো সেটা বলাও বোধহয় অন্যায় হবে না। তবুও Non-Bengalee দের প্রতি বাংলার যুবকদল যা কিছু কোরেছে সেটাকে আমি গুণ্ডামি বোলবো না। সেটা হচ্ছে ঘাতের প্রতিঘাত। জড়েরও এটা স্বাভাবিক ধর্ম্ম। সুতরাং রক্ত মাংসের শরীরবিশিষ্ট যে লোক তারা যদি এটা কোরে থাকে তাহলে সেটা তেমন কিছু অসঙ্গত কাজ হোয়েছে একথা আমি বোলতে পারি না। সুতরাং এই যে সামান্য একটা বিষয় যা নাকি চাপাচুপি ছিলো এতবড় একটা মোসন এনে সেটাকে প্রচার করা হচ্ছে। এবং যাঁরা এই মোসনটা এনেছেন তাঁরাই এই ঘটনাটাকে আরো বিস্তৃত কোরে দিচ্ছেন। যাঁরা অন্যস্থানে মুখ দেখাতে পারবেন না বোলে বোলছেন তাদের আমি এই কথা বোলছি যে যদি এটা এখানে আলোচনা না হোতো তাহলে এতটা বিস্তারলাভ কোরতোনা। আর এমন কোন গুরুতর কাজও তারা করে নাই যার জন্য কাউকে ডাক্তারের আশ্রয় নিতে বা ঐ প্রকারের আর কিছু কোরতে হোয়েছে। এ অতি সামান্য ঘটনা। কংগ্রেসের ইতিহাসে এরকম ঘটনা নূতন নয়। সুরাট কংগ্রেসে কি হয়েছিলো? মাদ্রাজে কি হয়েছিলো? কতকটী বিভিন্ন দলের ভদ্রলোক একত্র সমবেত হলেই এরকম

একু আধটু যে না হয় তা নয়। পার্লামেন্টে কি না হয়? পৃথিবীর মধ্যে সবচেয়ে সভ্যজাতি ইংরেজদের পার্লামেন্টে চেয়ার ছোড়াছুড়ি মারামারি কত কি হোয়ে থাকে। আমি বিশ্বাস করি মন্ত্রী মহাশয় যথেষ্ট কোরেছেন। তিনি যদি এটা দমন না কোরতেন তিনি যদি পুলিশের ব্যবস্থা না কোরতেন তাহলে যশোরে যে কাণ্ড হোয়েছিলো তার পুনরাভিনয় হোতো। সে বেশী দিনের কথা নয়। সেখানে একটা murder পর্য্যন্ত হোয়েছিলো। সুতরাং এখানকার ব্যাপারে মন্ত্রী মহাশয়ের প্রশংসা করা উচিত। এই কাউন্সিলটা হচ্ছে হরিঘোষের গোঁয়াল। এখানে যাঁর যা ইচ্ছা তাই কোরতে পারে ও বোলতে পারে। তাই জন্যেই অনর্থক এরকম একটা মোসন্ এখানে আনা হয়েছে। তাই আমার মতে এ মোসন্ প্রত্যাহার করা উচিত। আমি কাদের বক্স সাহেবকে অনুরোধ করি মোসন্টা তিনি প্রত্যাহার করুন। এটা এইরকমভাবে প্রচার কোরে বাংলার মুখে চুণ কালী দিবেন না। এ অপমান শুধু কংগ্রেসের নয়, শুধু হিন্দুর নয়, বাঙ্গালীমাত্রেরই এটা অপমান।

Mr. RANAJIT PAL CHAUDHURI: Sir, I am in one way grateful to the hon'ble member for having brought forward this adjournment motion. My first reason is for witnessing a display of crocodile tears and my second reason is that this seems even to an outsider, that it is a matter of collusion with the Government. I say collusion because the mover is a member of the Coalition Party, and because Government did not object to this adjournment motion being brought up when, in other instances Government have been very, very active in always opposing adjournment motions. I hope this procedure will be of some use to us in future, and what I expect from our friends opposite is that they will be just as sensitive and they will have the same sense of fair play and support other adjournment motions of a more serious nature which really should be discussed when they come up before the House.

Mr. KAMINI KUMAR DUTTA: Sir, it is really refreshing to find an adjournment motion censuring the Government coming from a member of the Coalition Party. The solicitude exhibited in the motion for the distinguished Congress leaders is quite welcome. It gladdens our hearts to listen to the expression honouring the Congress President as "Rashtrapati" from a member of the Ministerial Party, but this apparently too good a state of things sets one thinking and tends one to make a close scrutiny below the surface into the real character of the motion shorn of gloss over it. A perusal of the motion reveals an important feature, that though the affairs of the Congress and its activities do hardly come directly within the purview of an adjournment motion in a Legislature, it has been introduced indirectly in this motion and some prominence has been given to it. A new class of hooligans has been discovered called "Congress hooligans," an expression which is very difficult to comprehend. I must say that I cannot but state that it is really regrettable that under the cloak of an adjournment motion advantage has been taken to calumniate our great national organization, the Indian National Congress. The analysis of the hon'ble the mover of the Congress policy is altogether ill-conceived; his remarks are most undignified. But the Congress and

its leaders have outlived such unfair attacks and will survive such attacks ever and anon. I can only say that if the hon'ble mover had confined himself within the legitimate bounds of the adjournment motion and had not indulged in unnecessary invectives against the national organisation that would have been better and fair. But perhaps his real mind was out to cloak it off and the real objective of the adjournment motion did reveal itself in its nakedness and ugly character before us all.

I will not dilate further upon this feature of the adjournment motion. The incidents of the 30th April and the 1st of May in connection with the All-India Congress Committee session held here have received sufficient publicity and have already drawn attention of the leaders of the country who have published their statements in respect thereof. As a member of the All-India Congress Committee, I did personally attend the meeting on both these days and had an opportunity of studying the happenings there. It is an undeniable fact that the All-India Congress Committee on this occasion did meet under peculiar circumstances, perhaps the most unique in the whole history of the great national organisation, the Indian National Congress. Events which had preceded this session of the All-India Congress Committee are now public property and need no recounting. Differences of ideology have arisen among the Congress leaders and in the rank and file of the Congress. Such a state always comes in the history of a living political organization with the growth of political consciousness of the rank and file. A time comes for the rallying of the radical and progressive forces in the organization who are not satisfied with the old leadership in whom they have lost confidence. There was an unmistakable manifestation of that desire for natural growth in this session of the All-India Congress Committee. A very keen feeling was aroused in the public mind which one had not witnessed in the annals of the Congress movement ever before. During the meeting of the All-India Congress Committee, the public mind was profoundly agitated, but though that was the feeling running in the mind of the Calcutta public which was highly agitated, people in general maintained a dignified and calm attitude and only a small section of the public was overpowered by their feeling and lost their balance and control. Even Congress volunteers were assaulted when trying to check the excesses on the part of that section of the public. Srijut Subhas Chandra Bose has explained the situation by issuing a statement in which he has, on behalf of the Bengal Provincial Congress Committee, expressed his deep regret for the unpleasant incidents, hostile demonstrations and disturbances that took place in Calcutta while the All-India Congress Committee was in session. He has stated, "I specially regret the discourtesy shown to Babu Rajendra Prasad. We tried our level best to keep the public under control. So did the volunteers. But we were not wholly successful. On the last day even volunteers who tried to

check the rowdy section of the public were assaulted and badly injured. I would like to say that the hostile demonstration against Babu Rajendra Prasad was not directly against him personally but against the occupant of the vacated chair. Babu Rajendra Prasad is known and widely respected and loved throughout Bengal."

The entire body of the Congress people do sincerely join in this expression of regret by their leader Srijut Subhas Chandra Bose. It is an echo of their own minds. Dr. Rajendra Prasad, the new Congress President, has left a message for Bengal which shows that he has forgiven and forgotten what had happened and that he had appreciated the real import of the demonstration. The demonstration was not directed personally against anybody, but it was the manifestation of the feeling against the old leadership of the Congress. On occasions like this when there is a conflict of ideologies, feelings run very high, specially in young minds, and for a while they get the better of their reason. But those who participated in the demonstration have not been found to be members of the Congress organisation at all. Even those who do not follow the Congress lead and have never been members of the Congress, including the Muslims, were swayed by strong feeling over the turn events had taken in All-India Congress Committee meeting and had evidently joined in this hostile demonstration. Various diverse feelings were working in the excited atmosphere then prevailing in Calcutta. So, to fix the responsibilities for the disturbance on some Congress members and to describe those causing the disturbance as "Congress hooligans", is not only manifestly unfair but is a gross misstatement of facts. It is evidently a mischievous move on the part of the hon'ble mover of the adjournment motion. Those who had opportunities to personally see the demonstration outside the *pandal*, testified to the fact that those who participated in the hostile demonstration were not Congress members, and this finds corroboration from the class of persons arrested after the incident and from the assault on Congress volunteers who tried their level best to maintain peace and order.

But responsibilities of those whose duty it was to maintain peace and order stand on a different footing altogether. The full report of the situation developing and of the events preceding the All-India Congress Committee meeting and of the events happening there were in their possession. The common-sense view of the situation would have dictated to them to be alert to prevent any unfortunate happening. The incidents which happened were not at all unexpected or of an extraordinary character in an excited atmosphere as was then prevailing in Calcutta. The authorities ought to have been ready for the situation unless they had a desire to allow the situation to develop and then chuckle over the unfortunate happenings. It is the ordinary duty of the authorities in charge of peace and order to foresee such an emergency. Their negligence and incapacity on an occasion like this

cannot be excused on the plea that the occasion for the trouble was the holding of the session of the All-India Congress Committee, an organization with which they may not be in all agreement. If the circumstances indicate any lurking desire on their part to allow disorder to prevail unchecked so that the Congress may be discredited thereby, it is all the more highly condemnable. Political organization must grow in a country which is marching to its goal of freedom, and conflict of ideologies is bound to arise. If those in charge of the administration betray their sacred trust and entertain a partisan spirit, they can well make a situation like this.

Mr. HUMAYUN KABIR: Sir, I beg to move that the question be now put.

Mr. PRESIDENT: The hon'ble member had suggested before that the question be now put. I did not accept that suggestion at that time as the Leader of the Opposition and none of the members from the Congress side had spoken before that point was raised. But if that be the desire of the House, it may be done.

The question before the House is that the question be now put.

(The question was negatived.)

The Hon'ble Khwaja Sir NAZIMUDDIN: I rise on a point of order, Sir. I want to find out from you whether if a similar question is put again, shall I be given an opportunity to speak?

Mr. PRESIDENT: In spite of the acceptance of the closure motion, the Hon'ble Home Minister will be permitted to have his say with regard to the motion before the House.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. President, Sir, the Hon'ble the Leader of the Opposition has made a grievance that the mover of this motion has attacked the Congress and has used invectives which are not justified. I do not wish to go into details to show whether the hon'ble mover's language or his criticisms are fully justified or not, but I wish to submit that the proceedings of the All-India Congress Committee which took place in Wellington Square justify a thorough analysis of the situation. If in that examination, the Congress cannot emerge creditably, I should submit that the Congress itself should be blamed and not its critics. What happened was this: there was a struggle for mastery over the Congress between two opposing schools of thought. One is led by a cool-headed thinker, a saint—that is Mr. Gandhi. He had on his side a large number of seasoned veterans who are the Right-wingers. Against this influential section was matched the young Mr. Subhas Chandra Bose with rather the passionate section of the

Congress, the Left-wingers. There was a battle of wits, and in a sudden voting—the voters did not know what to do—Mr. Subhas Chandra Bose was elected President. And that was too much for the veterans. Now, Mr. Subhas Chandra Bose went to Tripuri. He was ill and that was a point in his favour. To match it and as a counter-demonstration, Mr. Gandhi went to Rajkot which was an insignificant spot considering the special importance of Tripuri, and staged a favourite trick of his —fast unto death. He managed a side-show to divert public attention to himself and to rob Tripuri of much of its importance. And the trick succeeded.

Mr. PRESIDENT: I have allowed a great deal of latitude in this debate in the matter of relevancy, but there should certainly be limit to it somewhere. The hon'ble member well knows, and I expect him to know very well, what is the matter that we are discussing, and I hope he will keep to it.

Khan Bahadur NAZIRUDDIN AHMAD: A point has been made in the motion that the Hon'ble Home Minister should have anticipated this fight, this battle-royal in the Wellington Square and these facts, it is claimed, show the background on which the judgment of the Hon'ble Home Minister should have been based and that is, Sir, the justification of my reference to these incidents. But I will cut short my speech and will refer to the actual proceedings at Tripuri. There, to thwart the ambition of the President, a notorious amendment was moved to whittle away the importance of the election and to undermine the influence of the youthful President. It was held by a majority that Mr. Subhas Chandra Bose must select his own lieutenants on the Working Committee, not as he thought best, but in consultation with Mr. Gandhi. It was nothing but a direct vote of censure on Mr. Subhas Chandra Bose, and a sharp rebuke administered to the Left-wingers. This was the background on which we must judge the acts in question. Time and discussion did not heal the wounds, rather aggravated them. Now, the question arose, what would Mr. Bose do? Would he accept his enemies of the veteran band or have his own men? He was between the two horns of a dilemma. If he had his own way he would have gone against the decision of the Tripuri Congress: if he accepted the suggestion of Mr. Gandhi, he would have to give the go-bye to his own party. The Saint of Sabarmati showed him no mercy and even a mixed committee consisting of an insignificant minority of Left-wingers was not acceptable to him. The saint would have his pound of flesh or nothing. In this predicament Mr. Subhas Chandra Bose thought and thought and ultimately, after a great deal of negotiation, he found the place too hot for him and he resigned. The circumstances only too plainly showed that he was forced to resign. Feelings ran very high

and in the meetings of the All-India Congress Committee very undignified expressions were freely used and threats were hurled at each other, and what happened outside the *pandal* was just as well an index of what was happening inside. The automatic High Command and their dictator were freely abused in the Press and from the platforms and as a result, they were insulted and even assaulted. In these circumstances, it is argued that the Hon'ble Home Minister with a host of shrewd and able lieutenants that manned the police service and himself being one of the astutest politicians in the province should have foreseen and anticipated all this and should have been ready for this. I feel that there is a great deal of force in this line of reasoning. Assuming all this, the question arises as to what ought to have been done. Should he have sent round his ample police force with *lathis* and tried to break the heads of the rioters? Now, if he had done so, the result would have been this: that these unseemly squabbles, the breaking of each others heads, the breaking of the clock, the abuses hurled against each other in the streets and insults to and assaults on notable leaders of all-India fame would not have taken place. But on the other hand, there would have been a clash between the police and the supporters of the Congress. What would have happened then? In that case my friend, Mr. Kamini Kumar Dutta, would have brought forward a motion of adjournment of this House that the Hon'ble Home Minister had set the police against the national movement and tried to suppress nationalism, and I believe that that would have been plausible enough. Therefore, I think as an astute politician he was perfectly right in allowing these patriots to break each other's heads. I think that if that is what he thought he was perfectly justified. The Congress would say, "have we not got Swaraj and does not Swaraj mean the right to break each other's heads! Have we not the right to mismanage our own affairs and to that end break each other's heads, if necessary?" This is self-determination indeed! They determine the fate of each other's heads and limbs themselves. That is self-determination. And they must have self-determination without the intervention and help of the police. In these circumstances, can the Home Minister be blamed for what he did? A great English statesman has said that "Good government is no substitute for self-government," and so they must have a riotous self-government, and the Hon'ble Home Minister had no right to give them good government as a substitute. He had no right to give them peace and order as a compulsory substitute for a right to break each other's heads. He had no right to force a benefit on them. In these circumstances, the proceedings of the Congress Committee inside and the conduct of their supporters outside the *pandal* were of a disgraceful character. Although circumstances pointed to an impending breach of the peace, I should submit that Hon'ble Home Minister had no responsibility in the matter. In fact, he has a right to enjoy the joke of the situation and see how things

shaped themselves. I, therefore, submit that this adjournment motion should not be supported. It should either be withdrawn or defeated, if put to vote.

Mr. W. B. C. LAIDLAW: Mr. President, Sir, my friend Mr. K. C. Roy Chowdhury has stated that the police were indifferent, and I have read in the Press that Pandit Jawaharlal Nehru himself had resented the appearance of the police. Now, Sir, I was not there on this occasion, but I gather, balancing one against the other and what has been said here against the Government, that the police would be doing their job pretty well and just in the ordinary way. Mr. Kamini Kumar Dutta said that it was the ordinary duty of the authorities to foresee this kind of thing. Of course, the authorities must foresee the disturbances; perhaps they ought to know that such things are likely to happen, even in the Congress. Sir, we are not living under a totalitarian state, nor are we living under an anarchical condition when we should be dragooned either by volunteers of non-official organisations or by the forces of the police, but what I think Mr. Dutta forgets when he places the onus on the authorities is that it is the ordinary duty of every citizen—the first and foremost duty of every citizen—to keep the peace. We in this province live under conditions of democracy and everybody is entitled to have his say, but we are not yet arrived at the stage where we have to be subservient in every single movement to what the Congress volunteers want to do in the matter of keeping order. We are quite capable of keeping order—every citizen including the Congress—and I maintain that the average citizen is a peaceable individual, but that if this sort of thing does happen it is merely because the people are actually incited to it.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I feel tempted to deviate for a time from the defence of the police to the political aspect of the question and to express my views on it. But I feel that it is not perhaps the proper time to do so. However, I should not leave this subject without saying this much that the treatment that has been meted out by the All-India Congress Committee to the leaders of the Bengal Congress and to the Bengal Congress itself, should be an eye-opener to the Muslims who are always asked to come and join the Congress and to trust to the just and fair treatment of the Congress. The leaders of the All-India Congress Committee came to Bengal with the avowed intention of trying their best to bring about peace in Congress ranks and Pandit Jawaharlal Nehru's peace proposal was, in my opinion, heads I win, tails you lose. Therefore, it is not unnatural that some young men lost their heads, though I do not defend what has been done. It is unfortunate and it should not have been done, but the provocation from the point of view of Bengal was very great. Now, Sir, as regards the criticism made about the action of the police or

rather the inaction of the police, or the police not having taken adequate steps to give protection to these big leaders, I am afraid it is entirely without any justification whatsoever. The facts are these, and I think that a person in the position of a Leader of the Opposition should have been the last person to have spoken in the strain in his criticism of the police as he did. He knows very well that, as far as the Congress is concerned, they resent all kinds of interference by the police, and, what is more, they do not even welcome the presence of the police in gatherings of this kind. As usual on this occasion also Mr. Kali Pada Mukherji of the Central Calcutta Congress Committee told the officer-in-charge of the local station that the Congress resented the presence of the police. On the 1st of May, after the police dispositions had been made for the Wellington Square, the same individual complained that delegates of the Congress had enquired as to who had requisitioned the police force at the Wellington Square and that they resented this. That has always been the attitude of the Congress. And knowing this and also knowing that there might be trouble because of the large congregation of people, the police out of a sense of their duty were there. Sir, before I deal with the incidents at Wellington Square, I would refer to what happened at the Howrah station when Mr. Gandhi arrived, when all volunteer arrangements failed, and it was only with the assistance of the police that it was possible to escort Mr. Gandhi from the train to his car; and in this connection the photographs published in the "Statesman" are a cast-iron evidence of the assistance rendered by the police in getting Mr. Gandhi safely to his car from the train.

Now, Sir, as far as Wellington Square is concerned, in spite of what I have already said, the police dispositions were as follows: On the 29th April there were 2 Inspectors, 1 Sub-Inspector, 11 Sergeants, 12 Head Constables and 144 Constables. On the 30th April, 2 Inspectors, 2 Sub-Inspectors, 9 Sergeants, 12 Head Constables, and 125 Constables. On the 1st May, 2 Inspectors, 2 Sub-Inspectors, 9 Sergeants, 13 Head Constables and 183 Policemen. Now, you will see that there was a very large police force present in the vicinity of the *pandal*. As far as the *pandal* was concerned, they were not allowed to go into it, unless they paid Rs. 2 as entrance fee, and the police did not pay the entrance fee and go in. They were not allowed to go in, and no assistance having been asked, police did not go in. Actually, most of the disturbances took place inside the *pandal*. In this connection, Sir, may I just read a short report which I have received from the Commissioner of Police? He reports: "Most of the disturbances took place inside the *pandal* where Congress volunteers were on duty and the police were not allowed and not asked for. The speeches made inside the *pandal* were relayed by loud-speakers to the people outside. This attracted enormous crowds who proved unruly, blocking all traffic and all roads in the vicinity of Wellington Square. The crowds had to be cleared on several occasions

to allow ordinary members of the public and the traffic to move along the road and the footpaths. Some batches of Congress volunteers were found carrying bundles of big *lathis* towards the *pandal* which they claimed were needed for regulating traffic. The trouble started inside the *pandal* when Mr. Subhas Chandra Bose's resignation was announced, and the election of his successor increased the general din and confusion. This was taken up by the people outside. After this, the Congress volunteers escorted the leaders from the *pandal* to their cars which were waiting just outside the *pandal* as the crowd was hostile and was booing and shouting." Now this is rather interesting. "In the case of Messrs. Pant and Bulabhai Desai, however, their cars were not waiting near the *pandal*, but were on the new road between the Square and the Central Avenue some 30 to 40 yards from the exit. They were escorted by volunteers for this distance, and during their progress crowds threw shoes, mud, bricks and stones at them. The fact that these two leaders, particularly Mr. Pant, had insisted to walk the distance through hostile crowds is rather significant. Despite the presence of Congress volunteers escorting them, the police had to charge the crowds several times to help these two leaders to find their way to their cars and to protect them.

On the 1st May, Pandit Jawaharlal was mobbed by the crowd when he left the *pandal* escorted by volunteers. He was again mobbed when he came out from Dr. Roy's house and walked through the middle of the crowd. On both the occasions, the police were obliged to charge the crowd to protect him." It may be noted that the Nationalist papers have acknowledged the work of the police on this occasion and in connection with other incidents. Therefore, it will be seen, Sir, that actually every possible arrangement that could be made was made by the police to guard against eventualities, that wherever possible and wherever they were permitted, they gave every assistance and protection to those who required it, that if it had not been for the presence of the police, these people might have been more seriously assaulted, and it might have been very difficult for them to get to their cars from the *pandal*. Actually, beyond this I do not think it was possible to do anything more, because they were obstructed by the Congress volunteers and others as far as the disturbance inside the *pandal* was concerned. Therefore, Sir, in view of the facts stated by me, in view of the explanation given by me, and in view of the fact that every precaution that could reasonably be made and taken was taken by the police to give protection in case of emergency, I hope the hon'ble member will kindly withdraw the adjournment motion, and I am sure the House will agree that in this case, if it had not been for the presence of the police things might have been much worse than they were.

Mr. KADER BAKSH: Shall I give a reply, Sir?

Mr. PRESIDENT: No, you are not entitled to a right of reply.

Mr. KADER BAKSH: Sir, in view of the remarks of the Leader of the Opposition, may I not make a short reply?

Mr. PRESIDENT: No, on no account. You can only speak once and that for fifteen minutes. Do you like to ask for leave of the House to withdraw your motion?

Mr. KADER BAKSH: Yes, Sir, after what has been said by the Hon'ble Home Minister, I beg to withdraw the motion.

Mr. PRESIDENT: Order, order. Before I put the question to the House as to whether the House is willing to permit the hon'ble member to withdraw his motion, I would like to make one point clear. It seems that there is a misapprehension in the minds of many of the hon'ble members of this House that the mere moving of a motion for adjournment is tantamount to a vote of censure on the Government. It is true when such motions are pressed to a division and carried, it amounts to a vote of censure on the Government. Generally, an adjournment motion enables the House to discuss a matter and affords the Government an opportunity to make a statement on the subject. In support of my views, I shall quote the authority of Sir Frederick White, the great Parliamentarian who was specially brought over to India as President of the Central Legislative Assembly which was constituted under the reformed constitution of 1919. On a similar occasion he observed as follows:—"A motion for adjournment is made for the purpose of drawing attention to a matter of urgent public importance to enable the House to discuss it, and the Government to make a statement on the subject." "It is common parliamentary practice," he observed further "to regard a division on a motion of this kind as a vote of censure on the Government. Therefore, except in case of acute disagreement between the House and the Government, the motion is usually withdrawn after the discussion." Similarly, there are other decisions also where the same view has been held that an adjournment motion provides an opportunity for members of this House to draw the attention of Government to a matter of recent occurrence, which could not otherwise be discussed under the ordinary procedure of the House. So, the House should remember that when a motion is tabled for adjournment, it does not necessarily mean that it casts any censure on the Government, and unless there is a great necessity, the House need not go to voting.

Now, I have to enquire if the hon'ble member has the leave of the House to withdraw the motion. If there is any objection the motion cannot be withdrawn.

Mr. HUMAYUN KABIR: We have objection, Sir.

Mr. PRESIDENT: The question before the House is that the House do now adjourn.

(The motion was negatived.)

Mr. HUMAYUN KABIR: On a point of information, Sir. Is it permissible for an hon'ble member to move a motion in this House and when that motion is put to the vote, to abstain from voting?

Mr. PRESIDENT: No hon'ble member can be compelled to vote. The House will now take up non-official Bills.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of information, Sir. The other day you ruled that the non-official resolutions should be taken up to-day and Mr. Kamini Kumar Dutta, so far as I remember, was allowed to move his motion without being allowed to make a speech, and a speech on that resolution was due to come up this afternoon.

Mr. PRESIDENT: This is a date for non-official Bills and not resolutions.

NON-OFFICIAL BILL.

The Bengal Shop Hours and Shop Assistants Bill, 1938.

Mr. HUMAYUN KABIR: Sir, I beg to move that the Bengal Shop Hours and Shop Assistants Bill, 1938, be taken into consideration. Sir, in moving that this Bill be taken into consideration, I shall place before the House certain facts in connection with the condition of life of shop assistants in the Presidency of Bengal. I think it will be generally agreed that the shop asistants form a portion of the community who are not properly looked after, who do render very great service to the community and yet do not get sufficient recognition for the services which they render. With regard to industrial labour, they are protected by all sorts of special measures. There are special acts which give them special protection and also determine the conditions under which they have to labour in factories and so on. But in respect of shop assistants, particularly in this country, there are no such regulations at all. Consequently, we very often find that the conditions of work are such as reflect very gravely upon the social conscience of this province. It is not unusual to find shop assistants confined in small hovels, in small areas where there is not sufficient accommodation, in places where there is no ventilation, and made to work for hours which are against all the dictates of health and general efficiency. It is not unusual to find that

shop assistants sometimes have to work even 15 to 16 hours a day on the average. They usually have to work from 7-30 in the morning till about 10-30 or even 11 at night. Since there are no regulations about the condition of their work, it all depends upon the sweet will of the proprietor of the shop as to whether he gives them any particular time for their meals or leisure! Consequently, we find that shop assistants have to labour under conditions and for a stretch of time which bear no comparison with conditions in other industries and trades. This is the picture with respect to conditions in which they have to work, unlimited hours of work and in circumstances and in areas which are extremely circumscribed. We find as a result that among the shop assistants, the rate of mortality is very high. It is generally admitted that in Calcutta there are 75,000 or more shop assistants, and they show a higher percentage of ill-health than any other similar class of citizens in this city.

Then with regard to the wages which the shop assistants draw, there are no fixed rules about them. Since there are no fixed rules, we find that shop-owners very often pay them wages which are meagre and insufficient. Not merely that; there is no regularity about the payment of these wages. Very often wages are paid at the end of about two or three months and no definite laws are recognised or observed by the shop-owners in this city. Again, the rates are sometimes so scanty that if they are mentioned, people would not perhaps be willing to believe them at all.

Then, Sir, there is the question with regard to the fixity of their tenure. Shop assistant's work is arduous. A shop assistant has to be in the shop in a closed atmosphere, and has to attend to the many demands of many customers who come in, and in spite of that, in spite of this great strain upon their energies, in spite of the great service they render to the community, there is no security of tenure in their services at all. It is not unusual to find that a person after working for 10 to 15 years or even more in the shop, is dismissed almost without any notice, or it comes to the same thing at a moment's notice. Therefore, Sir, with regard to the accommodation, with regard to condition of service, with regard to the wages, with regard to the hours of work, with regard to the proper time for rest and interval for meals, the shop assistants stand in a state which has no comparison with any other class of workers in society.

Then, Sir, there is also the question relating to the great detriment to the health and welfare of the shop assistants which results from this state of affairs. But that is not all. It is not only the shop assistants who suffer in this respect, but it is also the society as a whole which suffers on account of this denial of human rights to such a large section of its members. Shop assistants are also members of society. As members of the community, since they are denied these rights, it is the

community itself, it is the society itself which is denied these rights in their persons. We therefore find that the shop assistants are taken out of the ordinary run of life and society. They have practically no home life to speak of, and consequently we find that the children of shop assistants do not get that care from their parents, which they have a right to get, and which society ought to guarantee to them. Not merely that, shop assistants form a class of the community who are almost dehumanized, who do not enter into any of the social activities, who cannot keep up their social relationship, and who live a life in which they only render service to the community under conditions of almost subhuman existence, and I think it will generally be agreed that some remedy of this state of affairs is urgently demanded. I think that the Hon'ble Minister concerned will bear me out when I say that this is a state of affairs which must be remedied and remedied as soon as possible. The Government of Bengal has already thought about this matter. We find that in a letter which the Government of Bengal wrote to the Secretary of the Shop Assistants' Union on the 29th January, 1938, Government stated that it was already considering about the serious state of affairs in respect to the plight of shop assistants. Not only this, Sir, but about the middle or the end of February, 1938, a communiqué was published by the Government of Bengal in which it was stated that legislation was urgently necessary in order to determine the following points in respect of the conditions of work and labour of shop assistants, namely, (1) hours of work, (2) hours of opening and closing of shops, (3) date of payment of wages, (4) granting of sick leave, (5) payment of compensation where a shop assistant was injured in course of duty or rendered incapable of further work, and (6) penalty for contravention. These six points were mentioned in the Government communique which was published some time ago, and even though more than a year has passed since then, we do not know if the Ministry has proceeded any further in regard to the particular Bill which I had the honour to place before the House about the end of January, 1938, namely, the Shop Assistants Bill, in which all these points were included. In this Bill it was sought to provide that there should be regulation of the hours of closing of shops. Here, the question may be raised and has indeed been raised sometimes why not regulate the hours of work of shop assistants only without interfering with the time when the shop should open and close, why not simply limit the number of hours which shop assistants are expected to work in the shops. With regard to that I shall, with your permision, read a short paragraph from an article published in the "Times of India," Bombay, with reference to a Bill which the Government of Bombay had brought forward on lines similar to my Bill, in which it is stated that "regulation of hours of business—closing and opening of shops—are necessary for two reasons—because of the number of shops which are managed singly or with members of the family and, secondly, because the fixing of a closing hour will make

the administration of the Act much easier. It is true that certain kinds of shops, namely, chemists' and druggists' shops, or shops dealing with funeral requisites, should be exempted from the closing-hour clause. For, if they were compulsorily closed at the usual closing hours it would adversely affect the interest of the public. Therefore, it is necessary to have a rule exempting some shops from closing at the usual closing hours.

I may also mention here that in England when attemps were first made about a hundred years ago to regulate the condition of labour in shops, attempts were made to regulate their conditions of work by fixing the number of working hours. But it was soon found that this would not do, because in many shops there were double shifts employed in order to get round the clause which prescribed the number of hours which a shop assistant was expected to work. What in fact happened was that in most cases double shifts were appointed only on paper. Inspection was impossible in respect of retail shops and therefore the paper double shift defeated the very purpose of the Act. It actually happened that shops were kept open for indefinite hours, and almost the same set of persons were made to work the whole of the day or in any case longer than the hours fixed by the Act. Therefore, it was decided in England that the hours of work in shops should be regulated not by fixing certain hours of work, but by laying down rules when particular types of shops should be closed, and even to-day this is the rule that obtains in England. And it is impossible to contravene this rule because it is easy to detect any violation of it. This is the case to-day not only with regard to England, but with regard to most of the civilized countries of the world. We find that the closing hours are different in different countries. In Australia the closing time is 7 p.m., Poland 6 p.m., in Finland 6 p.m. and in Denmark 6 p.m. In most countries we find that there is a definite hour when the shops must close and no work is allowed to be carried on in shops after that particular hour has struck.

Therefore, in order to determine that shop assistants be not forced to work more than the hours permissible under the law, it is necessary that there should be a regulation of the closing of shops, and not merely that; but also a regulation to the effect that the shop assistants should not work more than 48 or 54 hours per week. In connection with this, another point is raised that if shops are closed, but on the other hand the hawkers are allowed to carry on their business, the very purpose of the Bill is defeated, and in fact the industry is injured. Therefore, in order to protect the shop-keepers and to keep the same condition of industry and trade for every one, it is necessary that workers should not be allowed to work beyond those hours. Therefore, the first point which I have laid down in my Bill is that shops should be closed at a definite hour. I have suggested a particular

hour, namely, 6 p.m., but if necessary that hour may be modified and I am sure the Ministry will co-operate with us in trying to fix an hour which will be suitable for everyone, suitable to the convenience of the customers as well as the shop-keepers. That is the first point. Then the hours of closing and opening must be determined and laid down.

The second main principle of my Bill is that not only the number of working hours in shops should be fixed, but there should also be a daily and weekly maximum number of hours fixed for every individual. It should preferably be 48 hours per week, but not more than 9 hours per day for each individual shop assistant, I mean shop assistants who are adults. Here also I have taken the figures which generally obtain in other industries. We find that with regard to at least two other provinces in India which have followed a similar principle after this Bill was introduced in the Bengal Legislative Council, they have also adopted a similar principle in the matter of maximum weekly hours of work. In the case of the United Provinces, they have laid down 48 hours, and Bombay 54 hours, and I am sure that here also the Ministry can by a consideration of the local circumstances arrive at the best possible figure. It may be 48 or 54—that does not matter, so long as a definite principle respecting the regulation of working hours is accepted.

Thirdly, it is also suggested in the Bill that young persons employed in the shops should not be below the age of 15, and I am glad to find that this principle has also been adopted in the Bills in the other provinces of India. In the United Provinces they have accepted the same principle and laid down the minimum age for those employed in shops to be 14 years. Whereas in the case of Bombay, they have accepted the suggestion of 15 years. This is not all. Even the Government of Ceylon has quite recently by a special Ordinance, No. 66 of 1938, embodied many of the principles which were suggested in the Bill which I had the honour to introduce in this House. Therefore, I say that generally the principles which are included in my Bill, namely, regulation of hours, regulation of the closing and opening of shops, and thirdly, the question of fixing the minimum age for those persons who are employed in shops, and fourthly, the question of minimum wages, are generally accepted in most of the Bills which have been introduced in other provinces of India. Here again, I wish to comment on a difficulty that may be raised. There are persons who think that the present time is not ripe for fixing a minimum wage for persons employed in shops; but I do not see any reason why this should be so. In certain industrial factories the minimum wages have already been fixed, and even to-day there are cases of collective bargaining by which these wages are altered from time to time, and I think the Commerce and Labour Minister—if he remembers his own

labour days when he was an active labour leader—will remember that he himself has taken part in organising these demands and placing them before the employers on behalf of labour.

Fourthly, there is the question of granting security of tenure to those who work in the shops. This is a principle about which I am sure there is no difference of opinion in this House. Every one must agree that persons who have given the best of their service to the shops must not at the fag end of their career be thrown out of employment, simply because they have lost their earlier skill, and no longer possess the resilience of youth. A man who has served his show well deserves well of the shop. But unfortunately this is often overlooked. Therefore, I submit that the principles which have been suggested in the Bill are generally accepted by every one in the country. The wide support which I have received from different quarters leads me to hope that there will be the same unanimity of opinion in taking my Bill into consideration and accepting the general principles which are embodied in it.

With regard to the details, I do not want to go into them here and now. There is always room for improvement and they might be made by the House. With regard to advanced countries, even there they are continually amending and altering their Shop Assistants' Acts. In England as late as 1928 there was an amendment of the Act. In 1934 there was again a cry for amending the Shop Assistants' Act which prevails in England in order to meet certain deficiencies which have been found in the course of the working of the Act. Even as recently as least year—I mean in 1937—Mr. Davies, a Member of the House of Commons moved an amendment that in view of the difficult condition under which they lived it was necessary that this very worthy section of the community should meet with better treatment from the Government and the public. And if after more than a hundred years of legislation, the condition of shop assistants in England is as mentioned above, though as a class they are well organized and have now become alive to the importance of this question, it is far more true that in India legislation should be necessary for the purpose. The initiative of the State is indispensable here, for the shop assistants of India and specially of Bengal are so very disorganized and very often illiterate or half-literate.

Sir, before I close I would like to read a few sentences from a leading article, the first leader which appeared in the "Statesman" of the 25th January, 1938, about the time when this Bill was introduced in this House. With your permission, Sir, I will read a few sentences from that leader: "In the sphere of industrial welfare Bengal has not lagged behind the rest of India.....It is hoped that this province can give a lead in the matter of ameliorating the working condition of a class which has never been included amongst those

for whose benefit special legislation has generally been designed. The demands of the shop assistants do not appear to be unreasonable and from reports that have been published, the employers do not seem to have any violent dislike to the movement. This is for the first time that their affairs have been made the subject of legislation."

Now, Sir, a year and some months have passed since this has been written. Bengal was the first province in India to introduce a Shop Assistants' Bill and shortly after the Bill was introduced here, the United Provinces Government introduced a Shop Assistants' Bill on similar lines. It is easy to see that the United Provinces Government's Bill followed the lines of the Bill that I had moved in Bengal. Not merely that, Sir; the Bombay Government soon followed suit and they have at this moment on its legislative anvil a Bill which is on the same lines as the Bill which I had the honour to move. And not merely that. In Ceylon, as I stated a moment ago, by Ordinance 66 of 1938, the Ceylon Government have taken over many of the principles which are embodied in my Bill, and it will remain as a Government measure till it can be actually enacted and permanently placed on the Statute Book. Therefore, I think that in reading an extract from the "Statesman" that it is the first time that their affairs have been made the subject of legislation and as such deserves the sympathy of all members of the legislature, I hope I am not encroaching unduly upon the courtesy of this House.

Mr. RANAJIT PAL CHOUDHURI: What about the nationalist papers?

Mr. HUMAYUN KABIR: I am coming to the other papers also. So far as nationalist papers are concerned, there is also unanimity of support in favour of my Bill. Nor is this all. The All-India Congress Committee which often dictates the tone of the nationalist papers, expressed itself on this particular question in a resolution which was taken up, I think, before its Industrial Sub-Committee on the 15th May, 1938. This sub-committee generally approved of the principles which have been adopted in the Bombay Bill, and as I have suggested to the House before, the Bombay Bill has been drafted on the lines of the Bill which I had the honour to move here in this House. So, it will be seen that it is the view of the All-India Congress Committee that wages, the hours of work and other conditions of the employees are far from satisfactory. They even requested the Ministry to institute suitable measures for improving the same, and this committee approved generally of the legislation proposed by the Bombay Government in this behalf. Now if the All-India Congress Committee gives its approval to the Bombay Bill, it cannot very well refuse to give its approval to the Bill which has been moved here, because as I have stated, the Bombay Bill has been drafted on the lines of my Bill.

On the other hand, we have also the opinion of the "Statesman" which nobody can accuse of being unduly revolutionary or unduly extremist or irresponsible. We, therefore, find the Congress as well as European opinion supporting the movement in favour of the Bill which I had the honour to sponsor in this House. The "Statesman" blesses it, and, on the other hand, we find that the All-India Congress Committee also accepts the general principles of this Bill. Therefore, if I may put it so, we find extremes meeting here. I would therefore appeal to this House to consider the Bill on its merits. There are, as the "Statesman" leader itself points out, certain difficulties with regard to a private member's Bill, and more so in this House. We know with what great difficulty we have to bring forward any measure, and we as members of this House know that measures which are generally introduced in this House, are cold-shouldered by Government. I may here also refer to another Bill which I had the honour to introduce and which, the Hon'ble Mr. Suhrawardy when he was Minister for Local Self-Government acknowledged, had helped the Government in drafting its Bill, and yet that Bill was introduced in another place. Our Bill was taken away from here and it was introduced in another place. At that time, Mr. Suhrawardy agreed that it was right and proper that a Bill which was first introduced in this House, if it is taken over by Government, ought to be introduced in this House again. And here I make an offer to Mr. Suhrawardy, that since he is pleased to say that he considers this Bill to be a good Bill, since he considers it to be good in spite of a few objections here and there, since the general principles are considered to be sound, since it is thought to be on proper lines, I make an offer that he may take over the Bill as a Government Bill. I shall abandon my claims on it but would only request him that the Bill should be introduced in this House. I therefore submit, Sir, that in view of these considerations, in view of the almost unanimous support which the principle of this Bill has received from all sections of opinion in this country, I am sure it will also receive the support of all sections of this House. I commend this Bill to the consideration of the House.

Mr. PRESIDENT: Motion moved that the Bengal Shop Hours and Shop Assistant Bill, 1938, be taken into consideration.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I would like at this stage to state the Government position in regard to this case. I feel, Sir, that the Bill is of such a nature that I would advise Mr. Humayun Kabir to withdraw it rather than that I should recommend to this House to vote against the Bill. The Bill, Sir lays down certain important points, and I am in sympathy with some of the items that are embodied in that Bill. It was not known for some considerable time as to whether Government had any responsibilities even

towards shop assistants. A deputation waited on me some time in the beginning when we assumed office, and I undertook at that time to sponsor legislation in order to improving the conditions of service under which the shop assistants work. Now, Sir, I have been collecting materials from all parts of the globe and I have also taken opinions of those interested. On the last occasion when the matter might have come up before this House, I tabled a motion that the Bill may be circulated for eliciting public opinion till the 30th June of this year, because by that time I expect, I shall be able to produce a Bill which will be more practical and which will not cause such undue burden on the industry as to make industry or business impossible. We may have very great sympathy with shop assistants; we are anxious to assist them. As a matter of fact, whenever I go and wherever I go, the shop assistants meet me and ask me whether I cannot curtail the hours of their work. But this does not justify us producing a Bill by Legislation which must necessarily be coercive, compelling shop-keepers to bestow such conditions of service as may ultimately end in closing business in this city. Sir, unfortunately there are some items of principle in the Bill sponsored by Mr. Kabir with which I could not agree. I do not think that the conditions of trade and of business in this city can stand the strain of the impositions that Mr. Kabir wishes to place upon the shop-keepers. I think, Sir, it is too late now to go into the merits of the Bill point by point, but I would like to assure the House that I propose within a very short time to place a Bill on the floor of this House. Mr. Kabir need not be afraid that I will place it in any other House. I shall certainly give this House an opportunity to discuss that Bill. That Bill ought to be properly circulated for eliciting public opinion, because large interests are involved, and we must know exactly what they feel. As I said, unofficially I have been collecting opinions and recently the Calcutta Trades Association which had collected opinions from others as well, has placed its own opinions before Government for consideration. I must consider those opinions as well as the various Bills on the subject, before I place before this House a Bill which may be worthy of consideration of this House and worthy of this province. It is true that other provinces have produced their Shop Asisstants Bills, but I should like that if Bengal produces its Shop Assistants Bill that Bill ought to be worthy of this province.

Mr. LALIT CHANDRA DAS: Does the Hon'ble Minister mean to say that he will introduce the Bill in this House?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, in this House, and for this reason I would request Mr. Humayum Kabir to be good enough to withdraw his Bill and not have it considered here and now. I think that by the time the next session comes round, an official Bill may be drafted and be ready for consideration here.

Mr. PRESIDENT: Mr. Kabir, are you agreeable to this suggestion of the Hon'ble Mr. Suhrawardy?

Mr. HUMAYUN KABIR: If I have understood the Hon'ble Minister aright, he promises that he will introduce a similar Bill in this House—probably during the next session. If that is the assurance of the Hon'ble Minister, then I will not press my motion.

Mr. PRESIDENT: I have now to enquire whether the House agrees to permit Mr. Kabir to withdraw his motion.

Mr. HUMAYUN KABIR: Do I understand Sir, that I am withdrawing my Bill or my motion only? I am not prepared to withdraw my Bill, but I am prepared to withdraw my motion.

The Hon'ble Mr. H. S. SUHRAWARDY: Well, it comes to the same thing.

(There was no objection to Mr. Kabir's motion being withdrawn.)

Mr. PRESIDENT: I take it that Mr. Kabir's motion is by leave of the House withdrawn.

I now adjourn the House till 2-15 p.m. on Monday, the 8th May, 1939.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 8th May, 1939.

Members absent.

The following members were absent from the meeting held on the 5th May, 1939:—

(1) Mr. Bankim Chandra Datta.

(2) Mr. Nagendra Chandra Datta.

(3) Khan Bahadur S. Fazal Ellahi.

(4) Alhadj, Khwaja Muhammad Esmail.

(5) Khan Bahadur Syed Muhammad Ghaziul Huq.

(6) Khan Bahadur M. Abdul Karim.

(7) Rai Bahadur Satis Chandra Mukherji.

(8) Mr. H. P. Poddar.

(9) Rai Bahadur Radhica Bhusan Roy.

(10) Mr. D. H. Wilmer.

(11) Mr. H. G. G. MacKay.

B. G. Press—1939-40—3059A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 8th May, 1939, at 2-15 p.m., being the fourth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Survey and settlement work.

24. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department kindly place a statement on the table showing the figures of performance and expenditure under each separate head of the survey and settlement work beginning from traverse survey and ending with recovery of cost, for the last 10 years including cost of supervision and control?

(*b*) Do the figures for recent years show higher cost rates? If so, will he kindly give reasons for the same?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) The hon'ble member is referred to Appendix II of Part II of the Annual Reports on the Survey and Settlement Operations in Bengal for the last ten years, copies of which are laid on the Library table. (*b*) Cost rates are not generally higher in recent years. These rates rise or fall mainly according to the complications involved in the different stages of a particular operation.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I refer the Hon'ble Minister to the cost of *janz*, as it was in the year 1927 as against what it was in the year 1936-37, which will show that whereas it was only Rs. 24 to Rs. 27 in 1928-29, it has become Rs. 189 now, namely, the cost has become more than five times or about six times the cost in 1936-37?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I know with regard to which survey and settlement he gives these figures?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am referring to the settlement operations of the previous years, e.g., in 1927-28. In the operations which were in progress that year in the districts of Bogra and Howrah, although the sanctioned rate was only Rs. 68, it was exceeded very nearly by cent. per cent. The sanctioned rate even went up to 127 per cent. In view of the different *khatians* and plot numbers, the sanctioned rate was adjusted but even then it was exceeded almost cent. per cent. May I know the reason for this?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government very carefully enquired into the question of the high rate charged in the Howrah settlement operations. The reasons for excess costs are the proximity of Howrah to Calcutta. It is comparatively easy for the parties to take clever lawyers from Calcutta to the settlement courts and the large number of holdings involving higher interests, namely, practically semi-urban interests are also a factor. These are the reasons why the cost has gone up.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Were not these facts known to Government when these proposals were sent up? I mean were not these incidents—of proximity of Howrah to Calcutta and the existence of very large number of interests practically semi-urban—not known to Government before?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government was evidently wrong in their anticipation.

The ministerial appointments in the Collectorates.

25. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether it is the policy of the Government to apply the principle of fixed percentage for men of different communities in making ministerial appointments in the Collectorates of the province;

(*b*) whether the Government propose to apply this principle to each class and category of posts in these offices;

(*c*) the number of posts in the various grades carrying an initial salary of Rs. 70 or more per month in the Collectorate in the district of Faridpur;

(*d*) whether it is a fact that some of the incumbents of these posts in Faridpur have not passed even the Entrance or the Matriculation examination; if so, how many of them are Hindus and how many Moslems;

(*e*) the number of appointments made in clerical posts in the Faridpur Collectorate since the assumption of office by the present Government; whether any communal ratio was followed in making these appointments, and if so, how many Hindus and how many Muslims have been so appointed;

(*f*) what is the number of posts in the selection grade in the Collectorate in Faridpur, and the number of men of different communities holding them; and

(*g*) whether it is a fact that three vacancies occurred in the Faridpur Collectorate due to the retirement of one Muslim and two Hindu officers, and that in the new appointments made no Muslim was appointed to fill the vacancies?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Various percentages have been prescribed for the initial recruitment of Muhammadans and members of minority communities and backward classes in the Collectorates.

(*b*) No.

(*c*) 16.

(*d*) Two Muslims and one Hindu have not passed the Entrance or Matriculation examination.

(*e*) Appointments made during—

	1937-38.		1938-39.	
	Permanent.	Temporary.	Permanent.	Temporary.
Hindus	2	10	18	13
Muslims	..	5	12	9
Scheduled Castes ..	..	3	5	4
Others	..	..	..	1
Total ..	2	18	35	27

The required communal ratio was followed.

(*f*) There is no selection grade post in this Collectorate.

(*g*) No.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state what is the ratio which has been fixed for the different classes of posts as referred to in answer (*a*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is 33⅓ per cent. generally for the Muslims in almost all districts except some districts in the Burdwan Division in certain offices—I am speaking from memory—viz., in the office of the Commissioner of the Burdwan Division and some other offices like that. As regards backward classes, it is 15 per cent. of the appointments to be made in some of the districts like Burdwan, Faridpur, Bankura and so on. In regard to other districts, no specific percentage was fixed for the backward classes.

Mr. HUMAYUN KABIR: With reference to answer (*b*), will the Hon'ble Minister please state the reasons for not applying the principle to each class or category of posts in this office? I mean the reasons for this answer "no."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The question was whether Government proposed to apply this principle to each class and category of posts in this office. The words "each class and category of posts" there, are important. The answer has been given as "no", as Government do not propose to apply this principle to each class and category of posts, but to the total number of appointments.

Mr. HUMAYUN KABIR: My question was if the Hon'ble Minister will please state the reason for this decision.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The application of this principle is very inconvenient and is not quite possible or feasible, because there may be only one or two posts in one particular category, and it is not possible to apply the principle of communal ratio with regard to each and every category of posts.

Mr. HUMAYUN KABIR: With regard to answer (*c*), will the Hon'ble Minister please state the number of appointments held by the different communities in the district of Faridpur?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (*d*), how long have these men been working in these offices?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice, but I think they have been in office for a long time; theirs are not recent appointments.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is there no standing rule of Government that none but matriculates should be appointed to Government offices?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is such a rule, but evidently these appointments were made before the rule was actually adopted by Government.

Fishery Expert.

26. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state what is the cost of employment of the Fishery Expert since his appointment? Is he still in the employment of the Government of Bengal?

(*b*) Has he submitted any report? If so, will the Government please state what actions have been taken on the same?

(*c*) Have any improvements in Bengal's fish supply achieved by the expense? If so, what are they? If not, when may we expect such improvements?

(*d*) Will the Government publish the report for the benefit and education of the public who are interested in fish culture? If so, when can we expect the publication?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) The cost of the employment of the Fishery Expert has been roughly about Rs. 18,700. His services were terminated in the middle of December last.

(*b*) He has submitted a report which is under examination.

(*c*) The Fishery Expert has made certain recommendations for the improvement of fisheries and fishing methods in Bengal. After the examination of his report is complete, it will be decided as to what action will be taken on his recommendations. Improvements can be effected only after action has been taken on his recommendations.

(*d*) The report is being printed. It will be decided after completion of the examination of the report whether it should be published.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister please state whether he thinks that this large expenditure has been justified by the results achieved by the report?

Mr. PRESIDENT: That is a matter of opinion, and no argument is allowed in a question.

The haor area of East Mymensingh.

27. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department kindly state if the question of irrigating the *haor* area of East Mymensingh for facility of growing *boro* paddy has been examined by the department?

(*b*) If the reply to part (*a*) is in the affirmative, will the Hon'ble Minister kindly state what steps Government propose to take in the matter?

(*c*) Is the Hon'ble Minister aware that in the *haor*, north of Achtagram, there is an extensive high land area in the middle of fields and that if a long tank be excavated there some 10 square miles of land can be easily irrigated by gravity irrigation?

(*d*) Does Government propose to order an inspection of the area?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy of Cossimbazar): (*a*) and (*b*) The question has been examined and it is considered that tank irrigation may be feasible if voluntary labour is forthcoming. The cost of excavation by hired labour would be out of proportion to the benefit likely to be derived.

(*c*) and (*d*) I am making inquiries.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister please state, with reference to answer (*b*), whether the question of storing water by erecting *bunds* is being considered? There are big *bils* in that area where water can be preserved by erecting *bunds*. Has this question been considered by Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The only solution, as has been found out by those who examined the proposal, is tank irrigation, and I do not think that there is any scope for *bund* irrigation or controlling rain water. I do not think that there is that level.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that there are *bils* in that area where large quantities of water can be preserved by erecting *bunds* at a small cost?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The question is how that water, if collected, can be supplied to the adjoining lands. It is a very low area, where water may be somehow collected, but the difficulty is to carry the water to the land which may be higher than the water level.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN: Is the Hon'ble Minister aware that in this area water can be taken out through channel distributaries even to high lands, and that the tenants are willing to do so?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, that is why it has been suggested that tank irrigation would be the only solution, provided it is possible to have it done at a reasonable cost.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that the difficulty he raises with regard to irrigation by having *bunds* in the *bils* applies also to the irrigation tanks?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No; if a proper place is selected and the tank is made on an elevated land.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN: Has any of the officers of the Irrigation Department visited this area?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As a matter of fact, the answer has been prepared as a result of examination of the question by departmental experts.

Bhati area of Mymensingh.

28. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Communications and Works Department kindly state if the question of protecting the crops of the *bhati* area of Mymensingh from the early flood has been considered and any decision arrived at?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: So far as I am aware, the matter has not hitherto been brought to the notice of Government. I should be glad if the hon'ble member would give me further particulars of the area which he has in mind.

The Calcutta University Press.

29. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether it is a fact that the Government has a conciliation and arbitration officer?

(b) If so, how many cases of allegations brought against the authorities of the Calcutta University Press by the Press Employees' Association have been received by the Labour Department from January, 1937, to February, 1938?

(c) How many disputes between the Calcutta University Press authorities and the workers have been settled by the said officer from January, 1937, to February, 1939?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) Yes. Under section 18A of the Trade Disputes Act, 1929, as inserted by the amending Act XVII of 1938, the Labour Commissioner and the Assistant Labour Commissioner were appointed in July, 1938, to be Conciliation Officers for the purposes of the Act.

(b) The Press Employees' Association submitted to me a memorandum of their grievances against the authorities of the Calcutta University Press in July, 1937, and a supplementary memorandum in August, 1937. A Committee having been set up by the University to investigate these grievances, the consideration of the memorandum was dropped. No subsequent memorandum asking for Government intervention seems to have been received.

(c) None.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware that the committee referred to made a white-washing report on the action of the Press Superintendent and refused to do anything in the press?

The Hon'ble Mr. H. S. SUHRAWARDY: No; I am not aware whether that question was even considered by the committee, but the committee did make a report. I may state that after the committee made their report, a certain memorandum was received from the Press Employees' Association, but in that memorandum there was no request made to Government to take any action on that report.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Minister be pleased now to make a fresh and serious effort to see that something is done to remove the grievances?

The Hon'ble Mr. H. S. SUHRAWARDY: As the interests affected and the leaders of labour did not approach Government or ask them to take any action after the report had been submitted by a more or less autonomous body like the Calcutta University, I fear that it is difficult for Government to interfere in the matter.

Rai KESHAB CHANDRA BANERJEE Bahadur: What is the nature of these grievances?

The Hon'ble Mr. H. S. SUHRAWARDY: They refer mostly to service conditions, and they are long and varied.

Reduction in the price of opium.

30. Mr. HUMAYUN KABIR (on behalf of Mr. Kamini Kumar Dutta): (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state if his attention has been drawn to a statement which is reported to have been made recently by the Hon'ble Minister of Excise, Government of Orissa, on the floor of the Orissa Assembly and which was published in a local paper of the 22nd March, 1939, to the effect that the Government of Bengal is purposely reducing the price of opium by 50 per cent. in the districts adjoining Balasore with the object of attracting the people to take opium in Balasore where the Government of Orissa has been carrying on an anti-opium experiment?

(*b*) Will the Hon'ble Minister be pleased to state if there is any truth in the allegations contained therein?

(*c*) Will the Hon'ble Minister be pleased to state the price charged for opium in the district in Bengal adjoining Balasore—

(*i*) one year before the prohibition experiment was launched by the Government of Orissa at Balasore;

(*ii*) three months before the prohibition experiment was initiated in Balasore; and

(*iii*) the price which is being charged since the anti-opium experiment has been launched at Balasore?

(*d*) Is the price of opium uniform throughout the Province of Bengal or does the price vary from district to district?

(*e*) Is it a fact that the price of opium which is fixed in a particular area holds good for the entire period of the financial year?

(*f*) If not, will the Hon'ble Minister be pleased to state the reasons why the price is made to fluctuate in the same area at different periods in the course of a year?

(*g*) Does the Hon'ble Minister propose to formally communicate with the Minister of Excise, Government of Orissa, in connection with the allegations made by the latter?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) Yes.

(*b*) None.

(*c*) (*i*) Re. 1-6 per tola.

(*ii*) Re. 1-6 per tola.

(*iii*) Re. 1-14 per tola with effect from 1st April, 1939.

(*d*) Uniform.

(*e*) Generally.

(*f*) Does not arise.

(*g*) No.

The working of the Forest laws and regulations.

31. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state if his attention has been drawn to the resolutions passed at a public meeting held on the 19th December, 1938, on the Maidan of the Mirasarai railway station, Chittagong? If so, has he taken any steps to give effect to any of these resolutions? If the reply is in the affirmative, to what resolutions? If not, does he intend to take any action on the same? If not, why not?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a detailed statement showing the measures taken up to this time by him to redress the grievances of the people of Chittagong regarding the working of the Forest laws and regulations?

(*c*) Is it a fact that the Hon'ble Chief Minister was pleased to hear the grievances of the people of Chittagong regarding the forest administration at Cox's Bazar, Chittagong, during his recent visit to Chittagong in January, 1939? If so, have any steps been taken by the department concerned to implement the promises of the Hon'ble Chief Minister? If not, why not?

(*d*) Has the attention of the Hon'ble Minister been drawn to an article headed "বন বিভাগের কঠোরতা" published in one of the dailies of Calcutta in its issue of the 19th February, 1939? Are the facts stated in this article true? If so, does the Hon'ble Minister intend to take any action in the matter to give relief to the people concerned? If not, why not?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) and (*b*) Yes. Several questions were raised in these resolutions, some of which are under consideration while decision has been arrived at in respect of others.

It has been decided—

(*i*) to set apart suitable plots of land, if available, for free grazing;

(*ii*) to grant permission for the steeping of hemp in hill-streams;

(*iii*) to employ *shikaris* for the destruction of wild animals;

(*iv*) to repeal the rule regarding the return of passes within 3 days of expiry; and

(*v*) to disafforest isolated areas of protected forests.

In addition to the above decisions, Government are also considering the granting of concessions in regard to the supply of cheap thatching and materials for husking machines. The simplification of procedure in regard to the extraction of timber from private forests is also under consideration.

(*c*) The hon'ble member is referred to the statement made by the Hon'ble Chief Minister in the Legislative Assembly on the 8th March, 1939, in connection with the voting of demands under "10—Forests".

(*d*) Yes, the article was published in the *Azad* of the 19th February, 1939.

The existing forest rates quoted therein are not exactly similar to those in force in 1937 as quoted in the article. The schedule of rates was revised in 1938. A comparative statement showing the existing rates and the rates given in the article is placed in the Library from which it will be seen that the maximum paid by a poor peasant to the forest department in a year is Rs. 8-7-6 and not Rs. 50-12 as stated in the article. Government do not consider that these rates cause hardship to the local people.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state whether he has made any enquiry at Chittagong to ascertain whether the existing rates are causing real hardship to the poor people of the locality?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, Sir. I myself paid a visit to Chittagong some time ago, and I found that these were not the real causes.

Extension of the Chittagong Municipal Water Works.

32. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state if he is aware that the extension of the Chittagong Municipal Water Works has become an urgent necessity?

(*b*) Is it a fact that a scheme for the extension and improvement of water works at Chittagong was prepared by the Public Health Department, Bengal, and has been submitted to the Government by the municipal commissioners for administrative approval some years back? If so, has the scheme been administratively approved? If not, why not?

(*c*) Is the Hon'ble Minister aware that the present supply of water to the citizens of the Chittagong Municipality is insufficient? If so, will the Hon'ble Minister be pleased to state when the scheme with the prayer of the municipal commissioners shall be sanctioned?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL and AGRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes.

(*b*) and (*c*) The scheme was submitted in August, 1937. It has not yet been administratively approved as the Municipality has not been able to satisfy Government as to how the amount of Rs. 66,000 proposed to be met from the Municipal Fund will be found. Reply to a reference made on the 21st February, 1939, in the matter is being awaited.

Animal diseases in Bengal.

33. Mr. NUR AHMED: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Veterinary Department aware of the fact that heavy loss occurs every year to the people of Bengal, especially, to the agricultural population in Bengal owing to the prevalence of animal diseases, such as rinderpest, anthrax, surra and the like, mostly in epidemic form in many parts of Bengal, especially in the district of Chittagong? If so, will the Hon'ble Minister be pleased to state what steps he has taken to prevent the prevalence of these diseases and to save the agriculturists from loss caused thereby?

(*b*) How many veterinary hospitals have been established in Bengal, especially, in the district of Chittagong, to take preventive measures against the prevalence of animal diseases in epidemic form and how much money is spent on this from the provincial revenue and from the funds of the local bodies?

(*c*) Will the Hon'ble Minister be pleased to state if he has drawn up any scheme for starting more veterinary dispensaries in Bengal and whether he is contemplating to take other suitable measures to prevent the prevalence of these animal diseases in rural Bengal? If not, why not?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) I am aware of the heavy loss caused to the cultivators by the death of cattle from contagious cattle diseases such as rinderpest, anthrax, etc., particularly in

the district of Chittagong. In order to remedy this state of affairs, I have a scheme of taking all the itinerant veterinary assistant surgeons employed for the control of contagious diseases under the absolute control of Government and of increasing their number so as to provide, on an average, two itinerant veterinary assistant surgeons for each subdivision.' When this scheme materialises, the Director of the Civil Veterinary Department will have at his command an adequate itinerant staff whom he will be able to mobilise to the places of outbreak of cattle diseases as occasion arises which he cannot do now as the staff is at present under the dual control of the Government and the local bodies and the latter naturally do not consent to mobilising veterinary assistant surgeons for whose maintenance they pay a contribution, outside their districts. I have made necessary provision in the Budget for 1939-40 for provincialisation of the 89 existing itinerant and 15 itinerant-*cum*-stationary veterinary assistant surgeons for employment entirely on disease-control work. The staff will be augmented, as indicated above, as trained men are available to fill up the additional posts in contemplation. A peculiar difficulty with regard to Chittagong has been that the serum and vaccine prepared at the Veterinary Vaccine Depot in Calcutta lose their efficacy by the time they reach the distant interior villages in that district so that such serum and vaccine are found ineffective for the prevention of cattle diseases in such places. In order to remedy this, I have recently established a Veterinary Vaccine sub-section at Chittagong.

(*b*) Veterinary hospitals with the stationary staff can be of no use in the work of the control of contagious cattle diseases in the interior. It is the itinerant veterinary staff who do the work of control of such diseases by touring about in the interior of the districts and carrying on inoculation and other preventive measures in and around the places of outbreak.

(*c*) I have already explained how veterinary hospitals are not useful for the control of contagious cattle diseases. Such hospitals are meant for the treatment of the ordinary cattle diseases and injuries. According to the policy of the present Government, the provision of adequate hospital and dispensary facilities for the treatment of ordinary cattle diseases and injuries is the concern of the local bodies and it is the responsibility of Government to adopt adequate measures for the prevention and control of contagious cattle diseases in view of the havoc caused by them from year to year. But the scheme referred to by me above provides indirectly for an increase of the number of hospitals and dispensaries and augmentation of the stationary veterinary staff in charge of such hospitals and dispensaries. At present, the local bodies pay a contribution equivalent to two-thirds of the cost on account of pay and leave and pension contributions of all veterinary assistant surgeons. In 1939-40 they will be

exempted from payment of any contribution on account of the existing 104 itinerant and itinerant-*cum*-stationary veterinary assistant surgeons and they will not be called upon to pay any contribution for any augmentation of the itinerant staff that will be made hereafter. This will afford the local bodies a large saving and I propose to allow them to have not only the existing 16 stationary veterinary assistant surgeons on the existing contributory basis but also to appoint 15 additional stationary veterinary assistant surgeons immediately in place of the 15 stationary-*cum*-itinerant assistant surgeons that are going to be provincialised and further to assist them to appoint 53 additional stationary assistant surgeons on the same contributory basis so as to have, for the present, at least one stationary assistant surgeon for each subdivision. I expect, however, that with the concessions as above they will be able to appoint entirely at their own expense one more stationary assistant surgeon for each subdivision so that we shall ultimately have two itinerant veterinary assistant surgeons in charge of disease-control work and two stationary veterinary assistant surgeons in charge of hospitals or dispensaries in each subdivision of the province.

Privilege motion.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Mr. President, Sir, I rise on a serious question of privilege of this House. I refer to the article in the "Ananda Bazar Patrika" of May 5th, and I shall also refer later on to the article in the "Hindusthan Standard," edited by the same people or owned by the same people. I may read that for the benefit of the European members of this House. It appeared on the 5th, the day when the adjournment motion was tabled for discussion. I should say that this article, with remarks which have been made, casts reflection on the Chair and attributes motives for his decision on the last adjournment motion about the assault on All-India Congress leaders. The English article says *inter alia*:—

"It is disgraceful that the President of the Bengal Legislative Council has allowed a member of the Government to move an adjournment motion having for its object the consideration of the failure of the police," and so on.

And the Bengali comments which I shall also render into English are these—

তাঁহারই তরফের দুই বিশিষ্ট সভ্য অধ্যাপক হুমায়ুন কবির ও চৌধুরী মোয়াজ্জেম হোসেন বিশ্বাসের উপর গুণ্ডার আক্রমণ হইয়াছিলো এবং তৎসম্পর্কে মুলতবী প্রস্তাব উঠিয়াছিলো তখন তিনি কি করিয়াছিলেন?

"What did the President do when adjournment motions were moved in connection with assault on Professor Humayun Kabir and Mr. Chaudhury Muazzem Hossain."

আজ সহসা কংগ্রেসী গুণ্ডাদের প্রতি মিত্র মহাশয়ের এই অহেতুক অনুকম্পার দৃষ্টান্ত রহস্যময় বলিয়াই মনে হয়।

And the second comment reads:—

"It seems mysterious why the President suddenly became rather enraged against Congress *goondas*."

And the third comment is:—

কংগ্রেসীদের উপর প্রতিশোধ লইবার সুযোগই বা তিনি ছাড়িবেন কেন?

"Why should he lose this opportunity to take revenge on the Congress?"

Sir, I ask the leader of the Congress Party here and now whether he really felt that the Congress had any reason to complain against the conduct of the President on that day. This particular paper has achieved great notoriety for abusing persons in high positions with a view to spread its circulation among many half-educated readers who cannot appreciate the merits of the question and are guided by anything that they see in news-sheets. This very paper made itself notorious by hurling all sorts of abuse on the late Deshabandhu Das. This very paper abused Srijut Subash Chandra Bose, and called him "Rai Bahadur Nandan." This was some time ago, probably in 1928,—"Khokan Avathar," Baby Incarnation or Infantile Incarnation. The editor of this very paper was beaten with shoes by a lady labour leader who was abused in shameless language. This very paper worshipped at one time Mahatma Gandhi as its idol, but since the election of Subhas Chandra Bose as Rashtrapathi, cursed Mahatma and his associates as traitors to national cause, as hypocrites and even scoundrels. I yield to none in my admiration and even adoration for the Mahatma as the saviour of the poor and working classes. As a representative of the working classes, I worship him, because he openly and whole-heartedly condemned those so-called labour leaders for creating lightning strikes and continuously exploiting labour. I went personally out of my way and posted, or caused big posters to be posted in the jute mill area with Mahatma's pictures and his motto "Adopt conciliation and arbitration before fomenting strikes." I was abused as a traitor to the working classes. This is the very paper that has been condemning Gandhism for the last few months, and must be held responsible for——

Mr. NARESH NATH MOOKERJEE: Sir, is this relevant to the issue?

Mr. PRESIDENT: Mr. K. C. Roy Chowdhury.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: This very paper has been condemning Gandhism for the last few months and must be held responsible for the outburst of violence against Babu Rajendra Prosad, the newly elected President of the Congress, against Pandit Pant, the Prime Minister of the United Provinces and against Mahatma Gandhi who was mobbed at Howrah Station on his arrival and against Prafulla Chandra Ghosh who was singled out for that bitter attack and assault on him: Prafulla Chandra Ghosh who is considered a selfless patriot and silent worker of Bengal.

This very paper abused our President on Friday morning in connection with the adjournment motion for the alleged assault on our colleague, Professor Humayun Kabir, on the 8th August, 1938. The President quoted Parliamentary authority, and I may read an extract from the speech that he delivered that day. The very paper referred to the incidents that took place in connection with the adjournment motion on the assault of Mr. Humayun Kabir and the President said: "I would have no hesitation in allowing the motion and admitting it if it had been moved as a motion for the breach of privilege of a member of this House, if he was prevented from discharging his duty as a member of this House." He further said: "As a matter of fact, I would have no hesitation in admitting this motion if it were moved as a breach of privilege of a member of this House who was alleged to have been prevented from discharging his duties." Therefore, Congress or anybody could not have any grievance whatever against the ruling given by the President to the effect that the motion would be allowed subject to 13 members rising in their seats. The President quoted Parliamentary authority, as I have read. It was through his intervention that this matter was taken up—I mean this motion of adjournment regarding the assault on Professor Humayun Kabir—it was through his intervention that the matter was taken up by this House and referred to the Privilege Committee, whose report was duly discussed by this House. In the case of the last adjournment motion —that is the adjournment motion of Friday last— the motion was not questioned by any member of the House and it was not questioned that it was not a matter of public importance. Was there any objection from the Congress Party when the President enquired of them about this motion? One has to be well versed in Parliamentary procedure to criticise properly decisions from the Chair. I do know that there are learned and educated editors, but there are editors and editors, and the editors of this type assume that they are *subjanta* and rush in where angels fear to tread. This very paper abused Sir Abdur Rahim, the President of the Central Legislative Assembly, right and left without

any valid reasons or grounds. I move, therefore, as my motion that "this Council is of opinion that the editorial comments appearing in the 'Ananda Bazar Patrika' and the 'Hindusthan Standard' of the 5th May, 1939, casting reflections on the Chair for its decision on a motion for adjournment relating to assaults on Congress leaders at Wellington Square constitute a grave breach of the privileges of this House, deserving of the severest condemnation and requests the President to take adequate and immediate steps to safeguard the rights and privileges of the House."

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, the responsibility of an editor is very great. But in our country we very often find that this responsibility is discharged in a deplorably half-hearted way. In writing articles and particularly editorials they display colossal ignorance of both fact and law. Sir, there is a clear provision in the Act and rules framed thereunder, which governs the procedure in relation to an adjournment motion. When any adjournment motion is moved by any member, a certain procedure has to be followed by the Chair. The Chair will determine whether the adjournment motion relates to an event of urgent and recent occurrence, and whether it has been properly worded. It is not for the Chair to decide on the merits of the question. He is concerned merely with compliance of some forms and rules. When he finds that the motion is properly worded, and relates moreover to a matter of urgent public importance, he has no other alternative than to ascertain if there is any objection from the House. In case of any objection, he is to be satisfied that requisite number of members support the motion. With regard to the adjournment motion in connection with which this question of privilege has been raised, an enquiry was made by the Chair if there was any objection from any section of the House to the admission of that motion. I think there is nobody here who will dispute that any objection was raised at all—not even from the Congress Benches. So the President had no other alternative than to admit the motion. In the circumstances, I do not find any rhyme or reason as to what was there to find fault with the Chair or in what way his action may be questioned. But I have stated that in our country there are some editors who are so careless about their duties that they can write any amount of nonsense. Sir, I would like to read a portion from the offending article published in the "Ananda Bazar Patrika" of the 21st *Baisak* which will corroborate my statement:—

হুমায়ুন কবির ও চৌধুরী মোয়াজ্জেম হোসেন বিশ্বাসের উপর গুণ্ডার আক্রমণ হইয়াছিলো এবং তৎসম্পর্কে মুলতুবী প্রস্তাব উঠিয়াছিলো তখন তিনি কি করিয়াছিলেন? এই সম্পর্কে গত বৎসরের ৮ই আগষ্ট তারিখে শ্রীযুত ললিত দাস মহাশয়ের মুলতুবী প্রস্তাব তিনি না-মঞ্জুর করিয়াছিলেন, তাহা স্মরণ আছে কি?

Everybody knows that there is no such member here as Muazzam Hosain Biswas, though we have a colleague whose name is Muazzam Ali Chowdhury, who has never been assaulted by any goonda. But these people, Sir, would not care to know what is what. They will simply go on writing something—no matter what it is, whether it is nonsense or whether it has any relation to truth or not. My friend, the mover of the privilege motion, has already explained the circumstances which have occasioned it, and I do not think I need dilate upon the matter. If the editor had the desire to go through the proceedings of that day's meeting he could know that that motion had to be rejected because there was a flaw in its drafting and that it was not properly worded.

Then Sir, the same article continues:—

"আইন সভার নাকের উপর টাউন হলে প্রগতিশীল মুসলমান দলের সভা যখন গুণ্ডারা ভাঙ্গিয়া দিয়াছিল, তৎসম্পর্কে অধ্যাপক কবীর মুলতুবী প্রস্তাব উত্থাপন করিলে সত্যেন্দ্র বাবু তাহা অনুমোদন করিয়াছিলেন কি?"

Sir, here is another instance of gross misrepresentation of facts by the Editor of the "Ananda Bazar Patrika." Fact remains that the motion had been duly allowed but on the Hon'ble Home Minister's objection, necessity arose for the support of the motion by at least 13 members. Requisite number of members having not stood up in support of the motion, it fell through.

Then we come across the concluding portion of the article which runs as follows:—

"বিভিন্ন ক্ষেত্রে সভাপতির ক্ষমতা প্রয়োগের যে দৃষ্টান্ত তিনি দেখাইয়াছেন তাহাতে সভাপতি পদের মর্য্যাদা বৃদ্ধি হইয়াছে বলিয়া কেহই মনে করিবে না।"

What an unjustified and mean attack on the Chair? It is quite inconsistent with good taste. The Editor ventures to ask if by the instances of abuse of power, prestige of the Chair has been enhanced. I would like to retort by asking if by this sort of vile insinuation, prestige of journals and journalists is enhanced!

So, from this one article it appears how much perversion of truth is made in making these personal attacks which are so mean that I think they should be treated with that amount of contempt which they deserve. We can cry ourselves hoarse, we can speak any amount of unpleasant things here, but these people are incorrigible. With these few words, Sir, I beg to propose that this subject be referred to the Privilege Committee.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. President, Sir, I beg to support the motion for sending the matter to the Privilege Committee. The grievance of the paper is that the Hon'ble President

disallowed a similar motion in the past, but allowed it on the last occasion. I believe that the editor or the persons who are responsible for the tone and policy of this paper are thoroughly ignorant of the rules of business of this House. In fact, it is a cardinal principle of all adjournment motions in all Parliamentary institutions that the motion should be based upon some alleged misconduct or some failure on the part of some Minister or of some department of Government to perform certain duties. The notice that was given on the previous occasion of an adjournment motion was simply that the Council do adjourn for discussing a certain attack by a certain mob on a member of this House. You, Sir, were pleased then to ask the mover to explain how the Ministry or the Government was responsible for the assault and Mr. Lalit Chandra Das, who supported the legality of the motion on that occasion, entirely failed to show that the Ministry or the Government was in any way responsible for that action. The wording of the motion did not even purport to censure or blame the Government for the alleged assault. It was not from any want of sympathy for the motion that it was disallowed. I submit that it was due wholly and solely to technical defects in the motion that it was disallowed. The debate will be found in Volume 2, No. 1, dated the 8th August, 1938, page 63 of the proceedings. In fact, the matter was very thoroughly discussed. You, Sir, showed considerable sympathy for the motion, but you felt unable to show your practical sympathy solely on account of this technical defect. But on the last occasion, the motion was quite differently worded. It was worded to show that the Ministry or rather the Government failed to discharge a certain duty, that is, to protect from assault some distinguished visitors from outside Bengal. So, technically this motion was perfectly correct and the other motion was absolutely incorrect. It is the failure to distinguish between the two situations that have led to this thoughtless and unseemly attack on the Chair. However ignorant the writer may be, it is our duty to register our protest against any attack on the Chair. The dignity of the House is affected thereby. I submit that the dignity of the House is represented by the dignity of the President. If the President is attacked like this, the dignity of the whole House is attacked. I, therefore, submit that instead of taking any other steps now the matter should be referred to the Privilege Committee, and await its report. I think it is in the power of the House to take disciplinary action against the paper, but this will require a thorough preliminary examination of the position by the Privilege Committee. With these words, I beg to support the motion.

Mr. PRESIDENT: Order, order. Before the discussion on this matter proceeds further, I should like to make a few observations only on the facts of this case. Mr. K. C. Roy Chowdhury did very well in

bringing this question to the notice of this House. In all parliamentary institutions, usually it is the duty of the Leader of the House or the Leader of the Opposition to take the initiative in such matters. I have on many occasions made it clear that as President I do not claim any immunity from criticism from the public press. As a matter of fact, I very much welcome it. But such criticism must be intelligent and honest. Any man who has been placed in any high office of trust and responsibility should keep an open mind on all questions and be ready to be guided by the helpful suggestions and fair criticisms emanating from all quarters. In discharging my duties as the President, I have to rely entirely on the light that God has given me. But to err is human, and there may be occasions when there may be errors of judgment on my part. Let me repeat that any criticism if it is honestly made is welcome but at the same time, the Chair must protect the dignity of the House from mischievous and malicious allegations. The comments referred to may be regarded as a reflection on the Chair and as such constitute a breach of the privilege of the House. I shall now quote from May in support of this point of view: "Reflection on the remark of the Speaker and accusations of partiality in the discharge of his duties have been treated severely by the House."

At this stage, I would like to place before the House the facts on which these comments were made, and the House will judge for itself how much the President tried to protect the interests of the minorities.

What I did was this. I held that particular motion to be in order, which meant that I considered that motion to be a specific matter of urgent public importance. But these newspaper men did not seem to be acquainted with the rules of the House. Under section 108 of the Rules and Standing Orders, "if the President is of opinion that the matter proposed to be discussed is in order, and if it has not been disallowed under the rules, the President shall read the statement to the Council and ask whether the member has the leave of the Council. If no objection is taken, the President shall intimate the hour at which the motion will be taken. If objection is taken, he shall request those members who support the motion to rise in their places, and if not less than thirteen members rise accordingly, he shall similarly intimate the hour. If less than thirteen members rise, the President shall inform the member that he has not the leave of the *Council*. The duty of the President is merely to declare if a motion of adjournment is not supported by 13 members that the member has failed to secure the leave of the House."

The motion of Mr. Humayun Kabir on the 28th of February, 1939, sought to discuss the failure of the Government to take adequate steps to prevent rioting and hooliganism which took place at the public meeting held at the Town Hall, Calcutta. The Hon'ble Home Minister

objected to the motion on two grounds. His first ground was, if adjournment motions are to be allowed on these matters, then "a member will have the right to move an adjournment motion in this House on the occasion of every theft and on the occasion of every burglary, on the occasion of every crime that is committed in Bengal". But I held that it was a matter for the decision of the Chair whether a matter was of public importance or not. Then, the Government further objected on the ground that there was a likelihood of this case coming up before the Courts and so the matter should be treated as *sub judice*. There also, I held that "the mere fact that there is a likelihood of the matter being taken to a court of law will not bring it under the class of cases which should be treated as *sub judice*". I thought that this was a question of public importance and so I ruled that the motion was in order. Then, I enquired under rule 108 of the Rules and Standing Orders if the Government had any objection. Hon'ble Sir Nazimuddin objected. As less than 13 members rose in support of that motion, I had to inform the hon'ble member that he had not the leave of the *Council*.

Even after all these, if Editors of responsible papers claiming to be Congress organs, made adverse comments ascribing motives to the Chair, I cannot but say that these are nothing but travesty of truth. Let us now analyse the other incident referred to by the papers. This was a motion moved by Mr. Lalit Chandra Das, "that this Council do adjourn to discuss a definite matter of urgent public importance, namely, the assault on Mr. Humayun Kabir and Maulvi Abul Mansur, Secretary of the Kishak Proja Samity, by a Muslim mob". The papers are so wreckless that they do not even correctly quote the names of the persons. It is not necessary for me to explain to the hon'ble members of this House that motions for adjournment must be in the nature of criticism of the Government either for having done something or having omitted to do something which was urgently necessary at the moment. But in this case, the allegation was against a Muslim mob and not against the Government. I shall now read from the proceedings of the Council and show that I explained to the Opposition as to how they could bring the motion within the rules. I pointed out to them that "that the subject-matter of the motion is of recent occurrence, there is no doubt; that it is a matter of great public importance is also not doubted. But how do you make the Government responsible for it?" That was a question I put to Mr. Lalit Chandra Das. Later on, I pointed out "I would have no hesitation in accepting the motion if it is moved as a motion for breach of privilege of the members of this House, if he was prevented from discharging his duties as a member of this House. But I find it very difficult to accept it as an adjournment motion because it merely mentions an assault by a Muslim mob". Further I said, "the language of your motion is not in accordance with

rules. If you can make Government responsible for this assault or for their failure of duty in this connection, then it will be in order". If, however, the motion fails as an adjournment motion, it may come under the purview of a motion of privilege as a member is alleged to have been prevented from discharging his duties. But it is the parliamentary convention that motions for breach of privilege are not matters for adjournment of the House. Privilege motions have a wider scope."

If any authority is needed, I quote again May at page 249 of the 13th Edition, where it says 'matters of privilege cannot come under this particular Standing Order No. 10', and there are very good reasons why I followed that procedure. The House well knows that in an adjournment motion, no speaker can speak for more than 15 minutes and at the end of two hours, the debate automatically closes. But in the case of a privilege motion, the House has much wider power because it involves the prestige and dignity of the House or of members of the House".

In all these cases of privilege, the House has larger powers. So, later on I said "the motion involved is of great public importance and if you can bring the motion within the Rules and Standing Orders of the House, the Chair will be glad to accept it." Further on, I said "I should like you to tell me specifically that you take the responsibility for saying that this was done at the instance of some members of the Cabinet". Then I permitted them to make certain alterations in the motion to connect the Government with the incident in any way. "I would like to tell you specifically that if you take the responsibility of saying that this was done at the instance of some members of the Cabinet, I shall accept this motion", but they said "presumably at the instance of Government". It was not possible for me to accept that motion. I said "I am extremely sorry that the motion as it is worded does not conform to the Rules and Standing Orders of this House, so it is ruled out of order. If any member will bring in a motion of breach of privilege of the House, I shall consider it. If any member of the House was interfered with in the discharge of his duties, it is a grave breach of the privilege of the House, and the Chair will at any time consider the matter very seriously."

Then Mr. Naresh Nath Mookerjee said "Sir, I submit that my motion as amended by Mr. Kamini Kumar Dutta be referred to the Privilege Committee for their report and action". It was objected to by the late Maharaja of Santosh, but I held, "However, as I have said, the Houses will finally decide about this question on a report from the Privilege Committee. So I direct that this matter be discussed by the Privilege Committee and be reported to the House for its final consideration within a week." The matter was discussed by the Privilege Committee and the result was brought to the notice of the hon'ble members. I place these facts but as I have said, it is once for all. I shall never in

future refer to the remarks of these irresponsible papers which will not have the fairness to take into account what actually takes place in the House but will deliberately make unfair remarks. This is not the first occasion when these two papers made remarks against the impartiality of the Chair. On a previous occasion the House unanimously passed a resolution condemning their comments and asking them to apologise. It was communicated to these papers but up till now they did not see their way to make amends. What remedies there are in such matters? If necessary, I shall refer to it at a later stage. But it seems *prima facie* that it is a fit case for reference to the Privilege Committee.

Mr. E. C. ORMOND: Mr. President, Sir, a matter of privilege such as this is one of great importance. There will be those, Sir, outside this House who might at first sight be inclined to say that for this House to take up time discussing its own privileges was a waste of time and this House ought to go on with its own legislative business. To take that view, I confidently assert, is a dangerously wrong view to take. This a matter of importance not only to this House, not only to the individual members of this House, not only to the constitution of this province, but it is a matter of direct and indirect importance to all the constituents in Bengal and to all the people of Bengal. It has been said, Sir, quite simply that a people has the Government which it deserves and the people will have no doubt such a Legislature or such a pair of Legislatures as it may deserve. And Sir, if this kind of writing be found to be unjustified and if it is permitted by the Upper House of the Legislature, then, Sir, that will result in the lowering not only of the good name of this House, but also of the name of the people of Bengal themselves and of the newspapers of the people of Bengal themselves.

Now, Sir, the only reason I have risen to my feet on this occasion is this. This is a matter which is naturally, in view of the new Constitution, a new matter which comes before this House and will come before the Committee of Privileges if it is submitted to that committee as a new matter. Therefore, Sir, I would take the opportunity of pointing out that certain questions may arise as to the nature of punishment which this House would be in a position to inflict, supposing it were to be found—I am not prejudging this at all—supposing if it were to be found that there was a breach of privilege. If hon'ble members care to turn to page 102 of the Thirteenth Edition of May's Parliamentary Practice, they will see it stated that the modern practice of the House of Commons is to commit persons to the custody of the Sergeant-at-Arms or to one of His Majesty's prisons during the pleasure of the House, and to keep offenders there until they present a petition praying for their release and expressing penitence for their offence or until a motion is made in the House by which it is resolved

that they should be discharged. It is then usual for the parties to be brought to the Bar and so on. If hon'ble members care to turn to page 100 they will see that in relation to the House of Lords in England the position is different. In all cases that have been noticed as breaches of privilege, both Houses have agreed for adjudication, but in several important particulars there is a difference in the modes of punishment. The Lords have claimed to be a Court of Record and as such not only to imprison but to impose fines. Therefore, the question would arise whether this House, if it were to be found that a breach of privilege has been committed, were in the position of only having the power of inflicting imprisonment or whether it also had the power of imposing a fine. Now, Sir, I did not have the opportunity, owing to circumstances over which I had no control, of hearing what was the precise motion that was proposed to be put before the House by the hon'ble member who proposed the motion. But I take it that it was merely a motion that this matter should be submitted to the Committee of Privileges. I would like to put before the consideration of the hon'ble members this: as this matter is a new matter, would it not be advisable that this motion should be enlarged to this extent that it should have some such words as these added to it: that the general question also be submitted to the Committee of Privileges to consider, irrespectively of the point whether or not there has been a breach of privilege in this particular instance, to consider what are the powers of this House in relation to the infliction of punishment for breach of privilege. And, of course, that should be specifically added to in the motion. To this end, it should be stated that the matter is submitted to the Committee of Privileges of this House in order that the committee may, firstly, ascertain whether in their view a breach of privilege of this House in relation to the Chair has or has not been committed. But I would like to put it forward for the consideration of hon'ble members that this opportunity should be taken to invite or direct the Committee of Privileges to go into this question expressly and put their views before this House as to whether this House has the power to inflict fines or imprisonment or only to inflict imprisonment, and if only to inflict imprisonment, in which manner that imprisonment should be inflicted—whether the person is to be put in charge of a subordinate corresponding to the Sergeant-at-Arms in the House of Commons at the direction of the House itself, or whether the person who has been found to have committed the breach of privilege is to be sent to the ordinary jail."

Mr. PRESIDENT: Order, order. The point raised by Mr. Ormond is covered by section 71 (*3*) of the Government of India Act where it definitely lays down that the Legislatures in India should not have the status of a Court. They are not entrusted with any power to inflict any punitive discipline other than the power to remove or exclude a

person infringing the Rules and Standing Orders, or otherwise behaving in any disorderly manner. But sub-section (2) of section 71 lays down that in other respects the privileges of members of a Chamber of a provincial legislature shall be such as may from time to time be defined by Act of the Provincial Legislature, and until so defined, shall be such as were immediately before the commencement of this part of the Act enjoyed by members of the Legislative Council of the Province. So, according to the statute, the Legislatures in the provinces are entrusted with the power of legislating about the privileges of the House, but the House itself can never be treated as a Court of Record, and as such, will have no power under the statute to inflict punishment on outsiders.

Mr. E. C. ORMOND: Sir, I quite follow what you say, but before giving your ruling may I, with due respect, invite you to consider the potentiality of the words "enjoyed by members of the Legislatures in the provinces before the commencement of this part of the Act," and leave the matter open as to the nature of the powers which were enjoyed by them? Then you will see that the other section which you read refers only to the breach of privilege of members of the House itself. Therefore, with the greatest respect, I would suggest that the matter might be left at large for the moment and that you, Sir, do not give any kind of ruling now which might be premature.

Mr. PRESIDENT: Order, order. I am not giving any ruling now, but I will refer Mr. Ormond to sub-section (3) of section 71 of the Act where it is stated that "nothing in any existing Indian law, and notwithstanding anything in the foregoing provisions of this section" notwithstanding even the powers which the House had before under sub-section (2) "nothing in this Act shall be construed as conferring or empowering any Legislature to confer on a Chamber thereof or both Chambers sitting together or any committee, or officer of the Legislature the status of a Court or any punitive or disciplinary power, etc." Notwithstanding anything, if the previous Legislature had the power, even then sub-section (3) debars the Legislature from being treated as a Court of Record.

Mr. E. C. ORMOND: I quite follow, Sir, what you say. It is the last thing that I would like to do—wasting the time of the House, entering into a discussion at the moment on a point about which I do not pretend to have a full mind.

Mr. PRESIDENT: The question is so important that you should not feel any constraint in discussing this matter at length and think that it is a mere waste of time. It is absolutely necessary for the

House to discuss the matter and come to a decision. I shall also place before you later on other points of importance—of juristic importance—in connection with this matter.

Mr. E. C. ORMOND: I am very much obliged to you for your observation. But what occurs to me is this: Supposing it were to be found that a breach of privilege of this House has been committed by any editor of a newspaper who was not a member of this House, then on the first reading of this section it would certainly appear as you have pointed out that this House has not the punitive power of a Court, and that the Privilege Committee could only report that a breach of privilege has been committed, and this House would only confirm that statement. But the next chapter in the proceedings might then be begun. I suggest for the conderation of the hon'ble members. that if a breach of privilege of this House has been committed and if owing to the peculiar provisions or particular provisions of the Government of India Act, 1935, this House had not the punitive power of a Court, at any rate, if it had been found according to the law of this province and this country that a breach of privilege has been committed, I would suggest that there might be a possibility of a further step being taken for the House to send its decision to a Court which had those punitive powers. Otherwise, it would come to mean that there is a wrong without any remedy, and that I imagine is a kind of wrong which the framers of the Act never intended should go without a remedy.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, the mover of the motion has suggested that the matter be referred to the Government to take immediate action, but I suggest as other members have already suggested that the matter be referred to the Privilege Committee. No one can deny that the paper referred to has cast a reflection on the Chair, and has thereby diminished the position of this House also. The mover has quoted two instances quoting from two papers, namely, the "Ananda Bazar Patrika" and the "Hindusthan Standard."

Mr. PRESIDENT: Both the instances are from the "Ananda Bazar Patrika". The "Hindusthan Standard" merely made a reflection; it did not cite any instance.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: The mover has quoted some passages from the "Hindusthan Standard". So far as the "Hindusthan Standard" is concerned, I think there is something to be said in its favour. I do not think, Sir, that it has cast any reflection on the Chair. As regards the "Ananda Bazar Patrika", there is unanimity of opinion that that paper has cast a reflection on the Chair.

Mr. PRESIDENT: Order, order. The "Hindusthan Standard" has said "it is astounding and ridiculous that the President has admitted———"

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: In that case, Sir, I withdraw my remarks. It is an admitted fact that it has cast a reflection on the Chair, it has lowered the dignity of the President and thereby of this House. Mr. Ormond has suggested some punishment and has quoted from the proceedings of the House of Commons and of the House of Lords about the infliction of punishment, and you, Sir, have made some observations on that point. With regard to the punishment and the procedure to be followed, we must leave it to the Privilege Committee of this House, who, as Mr. Ormond has already suggested, should decide the matter along with this particular case and on general lines also, so that in future if any such occasion arises, we may only refer to this precedent in the House and the question may be taken up as suggested by the Privilege Committee, and on their recommendation rules might be framed and enacted by Government into law. With these remarks, Sir, I propose that the matter be referred to the Privilege Committee.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: May I rise on a point of order, Sir? In my motion I did not suggest any action to be taken by Government, but by the Privilege Committee.

Mr. HUMAYUN KABIR: Sir, after your observations not many words are necessary in connection with the motion before the House. As you have made it perfectly clear, you welcome criticisms when they are intelligent and honest, and I think every member of this House should agree that it is a part of the function of the newspapers to criticise decisions whether they are taken by the Government or by the Hon'ble President, or the Hon'ble Speaker, honestly and intelligently. But criticisms which are based on misinformation or criticisms which are based on want of proper knowledge, or what is worse, criticisms which are coloured by particular political prejudices, are instances where the newspapers are not serving in the way they ought to serve. Instead of being helpful, in such cases they are simply injuring the dignity of the House, and thereby they are interfering with the growth of a proper parliamentary life in the province. Therefore, I think that the matter should be referred to the Privilege Committee and no further words are necessary.

The Hon'ble Khwaja Sir NAZIMUDDIN: On behalf of Government, I would like to associate myself with the views expressed by various sections of this House in deploring the remarks made by certain

newspapers reflecting on a ruling which had been given by the Chair. I think, Sir, it is one of those types of cases which must be put a stop to by some means or other, because it is extremely inadvisable and most injurious that newspapers should have the right to criticise or impute motives. I personally even do not agree with Mr. Humayun Kabir that they should be allowed to criticise the rulings of the Chair; but to go on imputing motives is the worst, and that at least should be put a stop to. The difficulty is that as the law at present stands, there is no way in which action can be taken against newspapers and the suggestion, therefore, is that the matter should be referred to the Committee of Privilege. But I am afraid that so far as the Privilege Committee itself is concerned, it is very difficult for it to suggest any immediate action. One thing that it can immediately do is that if it so desires it can ask the Government to take up the question of amending the existing law; for example, the Indian Press (Emergency Powers) Act may be amended, and it may be made a penal offence for any newspaper to impute motives to rulings given by the President or the Speaker. That, I think, will be a most effective way of putting an end to any act of this kind in the future.

Dr. RADHA KUMUD MOOKERJI: Sir, we deplore the occasion that has given rise to this motion which we are called upon to consider. Speaking on behalf of the Congress, I must make it quite clear that the Congress has not been at all a party to the adjournment motion that has been discussed to-day——

Mr. PRESIDENT: Order, order. There is no adjournment motion to-day——

Dr. RADHA KUMUD MOOKERJI: Speaking on behalf of the Congress, I must make it quite clear that the Congress was not a party to the adjournment motion that was admitted on the last occasion in this Council, and if I may go further, I may say that the Congress was not at all in sympathy with the considerations that weighed with the gentleman who had proposed that adjournment motion. With that reservation, I must also say that we very much appreciate the soundness of the observations that fell from the Chair with reference to the privileges attaching to the Chair and also to the House. I therefore think that since the matter has taken a certain turn, we on this side of the House heartily support the proposal that the whole subject should be referred to the Committee of Privileges. I should like also to make a correction if necessary, and that is that the "Ananda Bazar Patrika" should not be described as official Congress organ by any means, and therefore the Congress is not at all associated with the remarks of such papers. I know that observations to that effect have been made in the

Council, and therefore I must rebut those observations. Congress has no connection with these papers that have been referred to as the subject of criticism. Therefore, I should like to say this, that so far as this particular proposal is before the House, namely, that the matter raised should be referred to the Committee of Privileges, we heartily support this proposal.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I am really sorry that this matter was not brought to this Council by me as referred to by you. Sir, the reason is that I personally do not attach very much importance to the fulminations of the "Ananda Bazar Patrika." I consider it to be a rag, because I have myself been so much subjected to malicious and unfounded lies in their articles that I have become impervious to their criticism. That is why I do not read that paper generally, and I missed the day when they wrote against the ruling of the Chair. But I am very glad, Sir, that this matter has been raised by my friend Mr. Roy Chowdhury. I am also very glad to hear the remarks of Dr. Radha Kumud Mookerji, the representative of the Bengal Congress in this House, because these papers shine, these papers make their profession successful, by proclaiming that they are the the organs of the Congress. I am glad that Dr. Radha Kumud Mookerji on behalf of the Bengal Congress Party has repudiated them. (Hear! hear! from the Coalition Benches.)

Mr. PRESIDENT: Before I put the question to the House, I would like to make a few observations on this subject. It is really a matter of great satisfaction that generality of the Press in Bengal has not stooped down to the level of these two papers. Some of the papers here are quite respectable and always fair in their comments. It is these two papers which were taken to task by this House for their comments about the Chair. I agree with the views expressed in the House that before we come to any decision, the matter should be thoroughly discussed by the Privilege Committee. But I would also invite the Privilege Committee to look to the procedure which is followed on such occasions by the House of Commons. Even there, now ordinarily the House does not inflict any punishment on outsiders but there is a committal for contempt before the High Court. In the famous Burdett *versus* Abbott case, the Chief Justice Ellenborough stated on a similar matter, "If there were no precedents upon the subject, no legislative recognition, no practice or opinions in the Courts of Law recognising such an authority, it would still be essentially necessary to the Houses of Parliament to have it; indeed, they would sink into utter contempt and inefficiency without it. (That is, some such power.) Could it be expected that they should stand high in the estimation and reverence of the people if, whenever

they were insulted, they were obliged to await the comparatively slow proceedings of the ordinary courts of law for their redress? Should the Speaker with his mace be under the necessity of going before a Grand Jury to prefer a bill of indictment for the insult offered to the House? They must certainly have the power of self-vindication in their hands; and if there be any authority in the recorded precedents of Parliament, any force in the recognition of the Legislature and in the decisions of the Courts of Law, they have such a power." "On the whole," the Editor remarks,—I am quoting from Anson's book edited by the present Chief Justice of India, entitled "The Law and Custom of the Constitution,"—"on the whole, it would seem that the right of committal finds a surer basis on the necessity of such a power for the maintenance of the dignity of the House than on any technicality as to the House being a Court of Record." Further on, the same authority remarks, "but it is clear that, whether or not the House of Commons is a Court of Record, not only has it the same power of protecting itself from insult by commitment for contempt, but the Superior Courts of Law have dealt with it in this matter as they would with one another, and have accepted as conclusive its statement that a contempt has been committed without asking what that contempt may have been." There the procedure is that the House decides whether contempt has been committed by a certain person and when it is brought before the Court of Law, the court merely inflicts punishment without going into the facts of the case. They do not go beyond the findings of the House which is taken to have done the part of the jurors. On points of fact, the decision of the House is accepted without question. I find Mr. Ormond has suggested that a similar procedure may be adopted here in India.

Now, I would say only one thing about the ruling in respect of which these comments were made. It is known to all members of the House that no objection was raised from the Congress Benches or from any other group when leave for the adjournment motion was being considered. I conscientiously thought that an assault on the Congress President or some leading Congressmen from other Provinces was a matter of public importance. The editors had every right to comment that it was a wrong decision. As I have repeatedly said, they are welcome to pass any criticism but certainly they will not be tolerated to pass any remark and cast any aspersions on the motive of the President.

Now, the question before the House is that all these matters including the remarks of Mr. Ormond be placed before the Privilege Committee, with instruction to submit their report to this House at an early date.

(The motion was agreed to.)

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of privilege, Sir. At the last session of the Council, the Hon'ble Home Minister gave us an assurance that the rules framed by the committee would be placed for consideration during the current session of the Council. We consider it a great privilege as a House to frame our own rules, and the delay in framing our own rules is certainly a breach of that privilege. May we know when the rules will be placed before the Council and disposed of finally? Will it be during the current session or in the next session of the Council?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, a day will be allotted for consideration of the rules during the current session.

GOVERNMENT BILL.

The Bengal Finance Bill, 1939.

Mr. PRESIDENT: The next business before the House is the Bengal Finance Bill, 1939.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: On a point of order Sir. On Friday last I raised a point of order, and I was told by you to raise the point of order in proper time. I think, Sir, this is the time when I can raise that point of order.

Sir, the point of order relates to the fact that on Friday last the Hon'ble Finance Minister was permitted to move his motion in connection with the Finance Bill. He is not entitled to make the motion to-day, as the members of this House have not been given seven clear days' notice to which they are entitled under section 83 of the Bengal Legislative Council Rules and Standing Orders. Sir, the Hon'ble Finance Minister gave notice of his intention of moving the motion to take the Bill into consideration on the afternoon of the 2nd of May in this House. As such, the House has not been given seven clear days' notice to which it is entitled. Before I ask for your ruling on this point, I think I should make my position clear about the reason why I raise this point of order, so that the House may not think otherwise. You, Sir, are aware that the present rules under which the business of the House is being transacted are mere adaptations of the old rules with necessary modifications for bringing them in conformity with the Government of India Act of 1935. The adaptations were made by the Government as a temporary measure until the House framed its own rules under section 84 (*1*) of the Government of India Act. The privilege of framing our own rules is one which has been conferred on

this House by the Constitution of this Act itself, and that privilege is being denied to us by the present Ministry. But I am glad to see that the Hon'ble Home Minister has just given us an assurance that it would be taken up in this House, and I hope he will keep his promise. Sir, as a matter of fact, 19 months have already passed and the question is still hanging fire, though every time we find some assurance from the Government that the rules will be placed before the House and will be taken up. I am thankful to the Home Minister for his assurance that this will be taken up in this session.

Sir, before I conclude my speech on this point of order, I should like to refer to you one passage of your ruling given on the 10th February last when a point of order was raised by the late Maharaja of Santosh. With your permission, Sir, I read this:—

"The Chair has on several occasions in the past suspended the provisions of this rule. But such procedure cannot be expected to be repeated on every occasion, particularly when it tends to encroach on the rights of the members of this House. I had occasion to explain at length the reasons why the rights of the Hon'ble Ministers who are not members of this House are, unlike those of the members, strictly limited to the proceedings as take place within the four walls of this Chamber. Difficulties which have been pointed out by the Hon'ble Minister on the present occasion are likely to occur frequently so long as at least one or two Ministers are not appointed from amongst the members of this House. I am afraid I cannot overlook the point of order so strongly pressed by the Maharaja of Santosh, and I am not inclined to suspend the provisions of this rule which seems to have been observed more in the breach than in its observance, so far."

You have already given a ruling on that point, Sir, and I feel that Government has some difficulty sometimes, but this can be obviated, as you have suggested, by the appointment of Ministers from this House, or the amendments can be put in in time. With these words, Sir, I pray that you will uphold the point of order and thereby defend the rights of the House with regard to notice of motions.

Mr. PRESIDENT: I find that there is a good deal of substance in this observation, particularly when I understand from my office that they have received notices of amendments to these Bills up to 11 a.m. this morning and as such they had no opportunity even of distributing copies of these amendments. Hon'ble members will see that in the notice that was circulated on the 5th May, they were asked to send in their amendments to the motions so as to reach my office by 10 a.m. I see the practical difficulty, and in view of the importance of the measures, I do not think we can proceed with the Bills to-day. But there are some other Bills on which there are no amendments, and they may be non-controversial too. I think we can take up some of them

to-day—at least one of them—the Indian Stamp (Bengal Amendment) Bill, 1939, of the Hon'ble Sir Bijoy Prasad Singh Roy. If there is no objection, I think those Bills against which no amendments have been tabled may be taken up to-day.

Mr. HUMAYUN KABIR: Out of six Bills—one or two may be proceeded with if there is no objection, but with regard to some other Bills amendments were not sent in because it was not thought that the Finance Bill would not have been taken up to-day, and therefore we were giving ourselves some leisure and intending to send in amendments to them by to-morrow.

Mr. PRESIDENT: May I enquire whether there is any objection to take up the Indian Stamp (Bengal Amendment) Bill, 1939, on which there are no amendments?

Mr. NARESH NATH MOOKERJEE: On a point of order, Sir. As all these Bills were placed before the House on the 2nd May, the same rule should apply to every one of them.

Dr. RADHA KUMUD MOOKERJI: I beg to support the observations which have just now been made, and I think the Chair should treat all cases uniformly without giving any consideration to any special Bill. I think the Chair should strictly adhere to the rule and apply it uniformly in all cases.

Mr. E. C. ORMOND: It is hardly necessary to remind the hon'ble members of one small fact which may have a bearing on this matter. It is this: that clear seven days' notice would have been given had it not been for the unfortunate and sad occasion when this House adjourned in memory of the death of the late Maharaja of Santosh on the 1st May. Had the House not been adjourned that day, notices of these Government Bills would have been given on the day preceding the day on which they were actually given, and then this difficulty would not have arisen. As you, Sir, have pointed out, some of these Bills are matters in regard to which no controversy arises and even though Mr. Humayun Kabir would like to have a night to sleep on them, I am convinced that Mr. Kabir would not want to interest himself in the Indian Stamp (Bengal Amendment) Bill, to the extent of putting any amendments to it! I would, therefore appeal to you, Sir,—in order not to waste the time of the House, of which a great deal has already been taken up in another matter—to take the course which you are on the point of taking, and take up those Bills about which there is no controversy. You, Sir, have complete power under section 83 or section 50 of the Rules and Standing Orders, to give a direction that these notices may be accepted as having been given on the due date.

Mr. PRESIDENT: Mr. Ormond should refer to section 65 of our Rules and Standing Orders. Some of these rules are anomalous and contradictory to each other. As for instance, the section which says that "Any member who wishes to move an amendment shall send a written notice thereof to the Secretary so as to reach him at least 10 days before the first day on which the Bill is to be taken up." So, you see that if the House is pleased to be very technically-minded in this respect, there is still more difficulty for the Government. As a matter of fact, as I have said, amendments have been received till 11 a.m. to-day, and I do not think that it will be fair to suspend the rule regarding notice. But as I have already said, if there is no objection, I can take up those Bills on which there are no amendments.

Dr. RADHA KUMUD MOOKERJI: There is objection, Sir.

Mr. NARESH NATH MOOKERJEE: Sir, some members belonging to this group intend to put in amendments to those Bills too on which up till to-day, as you say, Sir, no amendments have been tabled. I hope you will kindly not suspend the rule.

Mr. PRESIDENT: All right, those Bills will not be taken up to-day. The Secretary will now read the message received from the Bengal Legislative Assembly.

Message from the Legislative Assembly.

The SECRETARY to the COUNCIL (Mr. K. N. Mazumdar): Sir, the following message has been received from the Secretary, Bengal Legislative Assembly:—

With reference to your letter No. 349L.C., dated the 18th March, 1939, and in pursuance of sub-rule (*3*) of Rule 31 of the Bengal Legislative Assembly Rules and Standing Orders, I am directed to forward herewith the Bengal Tanks Improvement Bill, 1938, as further amended by the Assembly at its meeting held on the 21st April, 1939, with the message that the Assembly agreed to the amendments made in the Bill by the Council with the following further amendments, namely:—

AMENDMENTS.

Clause 2.

In sub-clause (*1*) of clause 2 for the words "any other recognised society or public body or person" the words "or any other person" have been substituted.

Clause 5.

In sub-clause (*b*) of clause 5 for the words "any other recognised society or public body or person" the words "or any other person" have been substituted.

Clause 6.

In sub-clause (*1*) of clause 6 for the words "any other recognised society or public body or any person" the words "or any other person" have been substituted.

Clause 7.

In sub-clause (*2*) of clause 7 the words and figure "of section 7" have been omitted.

Clause 16.

For the explanation to clause (*a*) of sub-clause (*2*) of clause 16, the following has been substituted, namely:—

Explanation.—The words "any person" referred to in clause (*a*) of this sub-section include successors in interest of that person.

In clause (*b*) of sub-clause (*2*) of clause 16 for the word "receipt" the word "payment" has been substituted.

2. One hundred and fifty copies of the Bill as further amended by the Assembly are sent herewith.

Sir, I beg to lay on the table the Bengal Tanks Improvement Bill, 1938, as further amended by the Bengal Legislative Assembly at its meeting held on the 21st April, 1939.

Mr. PRESIDENT: Now it is settled that the Bengal Finance Bill will be taken up first thing to-morrow.

The House now stands adjourned till 2-15 p.m. on Tuesday, the 9th May, 1939.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 9th May, 1939.

Members absent.

The following members were absent from the meeting held on the 8th May, 1939:—

(1) Mr. Hamidul Huq Chowdhury.
(2) Mr. Nagendra Chandra Datta.
(3) Mr. Kamini Kumar Dutta.
(4) Khan Bahadur Syed Muhammad Ghaziul Huq.
(5) Khan Bahadur M. Abdul Karim.
(6) Rai Bahadur Satis Chandra Mukherji.
(7) Mr. H. P. Poddar.
(8) Rai Bahadur Radhica Bhusan Roy.
(9) Mr. Sachindra Narayan Sanyal.
(10) Mr. D. H. Wilmer.

B. G. Press—1939-40—3060A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 9th May, 1939, at 2-15 p.m., being the fifth day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. Satyendra Chandra Mitra) was in the Chair.

QUESTIONS AND ANSWERS

Corruption in Government and semi-Government departments.

34. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if he is aware of the prevalence of corruption, in more or less degree, in various departments of the Government of Bengal and in semi-Government public bodies?

(*b*) Have any measures been adopted by the Government of Bengal to check the evil of corruption in Bengal?

(*c*) If so, what are they?

(*d*) If not, is the Government contemplating to take necessary measures in the matter? If not, what is the reason for the same?

(*e*) Is the Government aware that there is a great demand in the province for the wiping out of corruption from all Government departments?

(*f*) Will the Hon'ble Minister concerned be pleased to state if the Government proposes to form a representative committee to go through this matter and to suggest means to remedy this evil in Bengal? If not, why not?

(*g*) How many Government servants were punished for their corrupt habit during the last three years?

(*h*) Has the Government issued any circular letters or instructions to the police to behave properly and gently in order to secure full co-operation and confidence of the people? If not, is the Government contemplating to issue such instruction in future? If not, why not?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) Allegations that corruption is prevalent are frequently made and cases of proved corruption have occurred.

(*b*), (*c*) and (*d*) I do not think that corruption can be eradicated by any executive action. The main requisites are a strong public opinion and a high sense of public morality among the officers of Government.

Government is however considering the desirability of issuing a general circular on the point the terms of which have not yet been finally settled.

(*e*) I believe that there is in many quarters.

(*f*) It is difficult to believe that the formation of a committee would serve any useful purpose, and there is no proposal to form one.

(*g*) Eighty-eight during the two years 1936 and 1937. The figures for 1938 are not readily available.

(*h*) The Inspector-General of Police has recently drawn the attention of all Superintendents of Police to the importance of courtesy and civility towards the public on the part of the police.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answer (*f*), is not the very formation of a committee to enquire into these matters likely to have a very good moral effect?

The Hon'ble Mr. NALINI RANJAN SARKER: That is a matter of opinion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that such committees have been formed in other provinces, such as Bihar?

The Hon'ble Mr. NALINI RANJAN SARKER: I do not know about Bihar, but there is one in the United Provinces, but their report is practically of no use.

Mr. RANAJIT PAL CHOUDHURI: Does Government consider exemplary punishments in cases where corruptions are detected?

The Hon'ble Mr. NALINI RANJAN SARKER: I do not know what is exemplary, but some punishments are meted out when cases are detected.

Mr. RANAJIT PAL CHOUDHURI: Will the Government consider dealing with these cases very severely where corruptions are detected?

The Hon'ble Mr. NALINI RANJAN SARKER: Certainly.

The land revenue of Jalpaiguri khas mahal and temporarily-settled estates.

35. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department kindly state by what percentage the land revenue of Jalpaiguri *khas*

mahal and temporarily-settled estates was increased as a result of the land revisional settlement?

(*b*) (*i*) How much of this increase was due to the extension of cultivation?

(*ii*) How much due to rise in prices of crops?

(*iii*) How much due to the reclassification of lands?

(*iv*) And how much for other reasons?

(*c*) When was the Revisional Settlement given effect to?

(*d*) How many of the *jotes* have since been sold in auction for default and what were their former aggregate rent and the revised aggregate rent?

(*e*) Does the Government contemplate to have the rents of Jalpaiguri revised and reduced as was done in the case of Chittagong *khas mahal* some 3 years back?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) 43·5 per cent.

(*b*) (*i*) and (*iii*) 7·76 per cent.

(*ii*) 35·6 per cent.

(*iv*) ·14 per cent.

(*c*) April, 1935.

(*d*) 665 *jotes* have been sold of which the former aggregate rent was Rs. 55,382 and the revised aggregate rent is Rs. 78,137.

(*e*) No.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answer (*d*), will the Hon'ble Minister please state if the fact of sale of such a large number of *jotes* does not in itself indicate that this enhancement has been a source of great hardship to the people?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

The river Kumar.

36. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) if he is aware that the river Kumar between Madaripur and Fatehpur in the district of Faridpur has silted up and communications even by boats in some places are not possible;

(b) if he is aware that in spite of dredging the said river during the last 5 or 6 years, it could not be made navigable to steamers except during the rainy season;

(c) if he is aware that the travelling public of the Madaripur subdivision are experiencing great hardship in travelling to and from Calcutta;

(d) if the answers to the above are in the affirmative, what steps the Government contemplates to take to remove the said grievances of the public; and

(e) whether the Government proposes to move the Railway Board for the extension of the railway lines up to Madaripur (Faridpur) either from Faridpur *via* Bhanga or from Kumarkhali-Bhatiapara Branch Lines?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) The Lower Kumar river is silting up.

(b) Yes.

(c) Yes, during the dry season.

(d) A scheme for the resuscitation of the Lower Kumar river is under preparation.

(e) The project was considered by the Government of India at the instance of the Provincial Government between 1914 and 1926. It was decided not to execute the project owing to its unremunerative character and the harm that it was likely to cause to public health and agriculture. I do not propose to ask the Government of India to reconsider their decision.

Khan Bahadur KAZI ABDUR RASHID: Arising out of answer (d), will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state as to when the scheme is expected to be prepared?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it is very difficult to give an idea of time, but the matter has been taken in hand.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if he has considered the possibility of extending the road from Faridpur to Bhanga up to Scindia Ghat?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think the road mentioned by the hon'ble member has the first place in order of importance and has been recommended by the district board.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state when he expects that this project will be taken up?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I think the road mentioned will be considered at the next meeting of the Provincial Board of Communications.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if he does not consider that sufficient time has elapsed since 1926 to reopen the question? This is with reference to answer (*e*).

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, the conditions have not changed materially.

Allegations against the authority of the Calcutta University Press.

37.* Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether it is a fact that the Labour Commissioner received a letter on the 18th March, 1939, from the General Secretary of the Press Employees Association bringing serious allegations against the authorities of the Calcutta University Press?

(*b*) If so, will the Hon'ble Minister be pleased to enlighten the House as to what were the contents of the said allegations and whether any steps have been taken or are intended to be taken in this matter? If so, what are they? If not, why not?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) No. No such letter is traceable.

(*b*) Does not arise.

Appropriation and Finance Accounts and Audit Report thereon.

Mr. PRESIDENT: Order, order. The Appropriation Accounts for 1937-38 together with the Audit Report thereon for 1938 and the Finance Accounts for 1937-38 together with the Audit Report thereon for 1938 were laid on the table of the House by the Hon'ble Finance Minister on the 2nd May, 1939, under section 169 of the Government of India Act, 1935. I am now to enquire whether it is the desire of the House that these reports be published.

The question before the House is that this House directs that the Appropriation Accounts for 1937-38 together with the Audit Reports thereon for 1938 and the Finance Account for 1937-38 together with the Audit Report thereon for 1938 be published.

(The motion was agreed to.)

Mr. LALIT CHANDRA DAS: On a matter of information, Sir. I gave a short notice question regarding the amendment to the Government of India Act, 1935, which is now going on in the British Parliament. So far as that question is concerned, I do not know where and how far it stands.

Mr. PRESIDENT: It has been sent to the administrative department concerned for their consent, and no reply has as yet been received from them. The House will now take up the Bengal Finance Bill, 1939.

The Bengal Finance Bill, 1939.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move——

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I rise on a point of order, before the Hon'ble Finance Minister is called upon to move his motion for consideration of the Bengal Finance Bill. The point of order is to the effect that the Bengal Finance Bill contains clauses and statements which make the Bill *ultra vires* so far as this Council is concerned——

Mr. LALIT CHANDRA DAS: With respect to this point of order, I rise on a point of order, Sir.

Mr. PRESIDENT: Order, order. He is just making his point.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: So far as this Council is concerned, the present Bill proposes to levy taxes——

Mr. PRESIDENT: Order, order. The Finance Minister has not yet moved his motion. Let him move it first, and then you may raise your point of order.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Bengal Finance Bill, 1939, as passed by the Assembly on the 30th March last, be taken into consideration. Sir, I do not want to

make any remarks at this stage. I reserve my remarks till I hear the criticisms of the hon'ble members.

Mr. LALIT CHANDRA DAS: Sir, my point of order is in connection with this. Notice of amendments has been circulated and it will be found that the first amendment on the list wants that the consideration of the Bill be refused as being illegal and null and void. So my submission to you, Sir, is that I may be allowed to move that amendment of mine.

Mr. PRESIDENT: Order, order. The Chair has not even put before the House the motion that has been moved by the Hon'ble Finance Minister. I understand the Raja Bahadur of Nashipur wants to raise an objection even before the motion is put before the House.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, so far as this Council is concerned, the present Bill proposes to levy taxes under item No. 46 of the Provincial List in the Seventh Schedule to the Government of India Act, 1935. So far as the power of taxation on professions, trades, callings and employments is concerned, I admit the Provincial Government has a right to legislate on such matters and tax such professions etc., if they so desire. The Government of India Act has given the Provincial Government powers to levy a tax on professions, etc., which in other words means that they have got powers to levy a license fee for the professions, trades, callings and employments. But in sub-clause (*1*) of clause 3 of the Bill, the Provincial Government wants to levy taxes on "every person who was assessed to income-tax under the Indian Income Tax Act, 1922, in the preceding financial year in respect of earnings of any profession, trade, calling or employment pursued either wholly or in part within the province either by himself or by an agent or representative, shall be liable to pay for each financial year a tax in respect of any such profession, trade, calling or employment at the rate of thirty rupees, in addition to any tax, rate, duty or fee which he is liable to pay under any other enactment for the time being in force." Sir, the words used are very clear in so far that the Government is not going to tax the profession, etc., but they are going to tax such persons who have not only been assessed to income-tax in the preceding year, but only those who have been assessed to income-tax on their earnings from professions, trades, callings and employments. In other words, they are not taxing every person who is engaged in any one of such professions, trades, callings or employments; neither also those persons who have paid income-tax in the preceding year, but only singling out such persons from amongst the income-tax payers who have paid income-tax on their total earnings

including earnings from the professions mentioned in item 46. The incidence of taxation therefore is not on the professions, trades, callings, etc., nor on those who have paid the income-tax during the preceding year, but falls only on such classes of persons who have paid income-tax the preceding year for their earnings from the professions and other callings mentioned in item 46 of the Schedule. In plain language, it may be said that only those persons who are deriving some income from these professions etc., will have to pay a tax of Rs. 30 and those persons who will have a lesser income than the fixed minimum amount of income will be exempted from the operation of those taxes. Sir, to be more clear, I may say this by way of illustration: Suppose, a medical man has been assessed on an income of Rs. 50,000, but as a medical man his income is not more than Rs. 10. But because he had been assessed for 50,000 rupees, he will not be exempted from this tax. On the other hand, in the case of a medical man whose income is Rs. 1,000 from profession, he will be exempted. So there is an anomaly. In other words, I mean that tax is being levied on persons having income from various sources along with the earnings from professions and not on those who are having any income from profession alone. Here comes the question of income-tax.

Mr. PRESIDENT: Raja Bahadur, you are giving an illustration, and from that it is clear that it is not only on his total earnings, but on his earnings from the profession that this tax is going to be levied.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Yes, Sir. My point is this that a man whose earning from a profession is less than Rs. 1,500 will be exempted, but that man if he has got a very big earning from other sources, but his earnings from profession be only one rupee, still he will be exempted from this taxation. It will thus be seen that what has been proposed in the Bill is not simply a tax on profession but an additional tax on the income of a person.

Mr. PRESIDENT: That shows that this tax is not on his earnings but for his following the trade or profession.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: No, Sir. That is a tax on the earnings from profession as well as from his income from other sources. If that is not a tax on income, I do not know what would constitute a tax on income. In 1860, in the course of a discussion on the levy of an income-tax in the old Imperial Legislative Council, a member of the then Council mentioned various difficulties about the levy of taxes on those professions and stated among other things as follows: "In short, it seemed to him that the Bill was indefinite in its terms,

arbitrary in its operation and unequal in its incidence. If he might offer a suggestion he would propose a graduated scale for persons in the receipt of limited incomes commencing with 8 annas on Rs. 100 and extending to Re. 1 on incomes from Rs. 100 to Rs. 150 and so on. In short, he would assimilate the principle of this Bill to the principle of income-tax."

It is apparent from the very start that when these two taxation proposals were mooted out in India, every one was under the impression that one is supplementary to the other and are therefore inseparable and indivisible. Again in 1861 the then Finance Member of the Government of India in the course of presenting the Financial Statement made a reference to the income-tax as well as to the license tax which was then under discussion, amongst other things he stated as follows: "The means are ready to my hand in the license tax, which has been so long announced and so nearly passed into a law that nothing remains but to read the Bill a third time. Everyone, I believe, expects it and has long looked upon it as part of the financial scheme announced by the Government. But I must confess that I feel great reluctance to proceed with it, and only I can combine it with an amendment of the income-tax so as to make the united measure one of relief and satisfaction to India rather than of pressure and burden."

Further in the course of the discussion he said: "When you come to trading and professional income, your incomes which cannot be ascertained without calling for complicated returns and instituting private enquiries, I believe that some fixed scale of assessment under graduated license tax is a better mode of applying the principle of income-tax."

Sir, all these statements made it clear that it is difficult to differentiate the income-tax from the license tax and the two are so much inter-related that it is really difficult to find out the limits as to where the one ends and the other begins. I think these two are as much overlapping at the present day as they had been found in the sixties and seventies of the last century. It will not be out of place here to quote the passage from the speech delivered by the Hon'ble Mr. Robinson in the course of discussion in the old Imperial Legislative Council of 1872, on the subject of income-tax: "The thing was further noticed from time to time between then and 1867, when Lord Lawrence's Government imposed the license tax which was in fact a part of this income-tax in disguise." Sir, that statement was as much true in 1872, as it is even now to-day. I feel that there cannot be even a doubt as the tax is nothing but a tax on income from the professions mentioned in item 46 of the 7th Schedule of the Government of India Act, 1935, and that the present tax is not a tax on professions, etc. Therefore, Sir, I feel that the Bill is *ultra vires*. This is income-tax in disguise.

Mr. PRESIDENT: Raja Bahadur, you have referred to item 46 of the Exclusive Provincial List. You admit that there is no difficulty about taxing on professions, trades, callings or employments, because that is an item in the exclusive Provincial List. Do you agree that the Legislature has a right to tax professions? If so, do you further admit that they have also the right to make some concession in case of persons who are the least able to pay? Have they that right? Or, do you contend that they have not that right?

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Under the Schedule, the Government can tax professions, trades, callings, etc., but here they have put in a qualifying clause by inserting that some persons are debarred while some are not. This, I submit, raises a strong presumption that the proposed levy is in the nature of income-tax.

Dr. RADHA KUMUD MOOKERJI: May I speak on this point of order, Sir?

Mr. PRESIDENT: Let the Raja Bahadur finish. Raja Bahadur, you certainly agree that the local Legislature has a right to tax professions, trades, callings and employments, inasmuch as it is an item included in the exclusive Provincial List. Do you not concede that having that right, the Legislature has also the further right to exempt certain persons coming under that head in consideration of the fact that they are the least able to pay the tax? If they have the right, then the question arises whether they have not also the right to exclude certain persons from that category. Please answer my question straight off. I have heard your argument. I would like to hear you on this point only. Do you agree that the Legislature has the right also to exempt certain classes of persons who come under this item?

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Yes, Sir, they can exempt.

Mr. PRESIDENT: In that case, if it is argued that this tax is on profession, trade, calling and employment,—as a matter of fact they have copied it out from item 46 of the Provincial List,—then they may contend that for their purposes this tax will be levied on persons belonging to these various categories who pay income-tax. Here they exclude a person's earnings to a certain extent. Why should they not have that right? I would like to hear you on this point.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: They can exempt certain persons, as I have already said. But by the wording in clause 3 they have practically placed this matter under the

Indian Income-tax head. I can make this point further clear by saying that if they omit those words, namely, "who are not assessed to income-tax etc.," they may avoid the mischief of income-tax. I may further add that if Government want to exempt certain persons they can do so by changing the wording in clause 7, in which clause they have sought to define the powers to exempt some persons or classes of persons.

Mr. PRESIDENT: You need not take into account by what particular method they may exempt, but the question is whether you concede that they have a right to exempt certain persons on the analogy of exemptions permissible under the Income-tax Act; that is the point. In what way they are to be exempted—whether under clause 7 or by a proviso to clause 3—that is a matter for Government to decide. The House may make a suggestion on this point but that certainly cannot be raised as a point of order.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I have already explained my position that in my humble opinion they have, by this qualifying clause, practically placed the matter under the income-tax provision.

Mr. PRESIDENT: You say that they could have done the same thing by another clause or a proviso, and that it is only the wording in this section which leads to the mischief. Is that your point?

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: So far as the present wording is concerned, I find fault with it.

Dr. RADHA KUMUD MOOKERJI: Sir, first of all, I want some direction as to the procedure that will be followed in discussing this Bill. I thought we could concentrate on all the points when we rise to oppose the introduction of the Bill. But if you want us to reply to the point which has emerged just now, I can do so.

Mr. PRESIDENT: The procedure that has been followed according to the rule for all Bills hitherto will be followed in this case also. The discussion of this Bill does not require any new procedure. At this moment, only a point of order has been raised by the Raja Bahadur of Nashipur that this House is not competent to entertain a legislation like this. I was only enquiring about that point, and the question before the House is only that point of order and nothing else.

Dr. RADHA KUMUD MOOKERJI: Then, Sir, I think you will allow me to speak on this point of order.

Mr. PRESIDENT: No speech or argument is necessary on a point of order.

The Hon'ble Mr. NALINI RANJAN SARKER: When the Bill will be considered, if it is allowed to be discussed, then Dr. Radha Kumud Mookerji may make a speech.

Mr. SHRISH CHANDRA CHAKRAVERTI: The only point at issue is the question about the 7th Schedule and Government is evidently relying on item 46 of the 7th Schedule.

Mr. PRESIDENT: Not only are they relying on it, but they have taken it verbatim from item 46.

Mr. SHRISH CHANDRA CHAKRAVERTI: Because in the Statement of Objects and Reasons it is stated that the object of the Bill is to raise revenue by levying an ungraduated tax on trades, professions, callings and employments, exempting persons who do not pay income-tax. That is the point, Sir. And in the 7th Schedule item 46 mentions that they can tax professions, trades, etc. In item 54 of the Federal List it is mentioned that the Federal Government can levy a tax on income only. Although it is stated in the Statement of Objects and Reasons that it is a provision for levying a tax on trade, professions, callings, etc., but in real fact they are levying a tax on earnings, specifically mentioned in respect of earnings from professions, trades and callings, etc.

Mr. PRESIDENT: This point will arise when the question of exemption comes in. It levies an ungraduated tax on trades, callings and employments only exempting those persons who do not pay income-tax. Thus, the question of earnings crops up indirectly only when exemption is considered.

Mr. SHRISH CHANDRA CHAKRAVERTI: Section 3 says: "As from the first day of April, 1939, every person who was assessed to income under the Indian Income Tax Act, 1922, in the preceding financial year in respect of earnings of any profession, trade, calling, or employment pursued either wholly or in part within the province....." Here the intention of Government is to impose a tax on income. If a man earns Rs. 2,000 a year, that man only will be subject to pay the tax—that means on his earnings—but what is intended in the Provincial List is that they could levy a tax on all doctors and all lawyers whether they earn a single pice or not. That is the intention.

Mr. PRESIDENT: Is it your contention that a person who pays income-tax cannot be subject to any other tax?

Mr. SHRISH CHANDRA CHAKRAVERTI: In that case, Sir, a man would be doubly taxed. But that is another point; my point is this—that, under the law that is in the list, it is mentioned that only Government can tax professions or trades or callings. Here it is clearly mentioned that the whole intention is that they can tax on professions, and that means that they could levy a tax on doctors, merchants and lawyers, etc., whether they earn any money or not, but as soon as they qualify that particular income they are not entitled to do so.

Mr. PRESIDENT: Suppose Government impose a tax on all doctors but propose to exempt such doctors as are only of one or two years' standing; do you think that this will make that tax illegal?

Mr. SHRISH CHANDRA CHAKRAVERTI: My submission is that they cannot do so; they can tax but cannot exempt any one. That is my submission.

Mr. PRESIDENT: Do you think that the Indian Income Tax Act, which has been prevailing here for more than 70 years and which exempts persons from paying any income-tax who earns less than Rs. 2,000 a year, is illegal because it exempts persons who earn less than Rs. 2,000 a year? Do you seriously contend that?

Mr. SHRISH CHANDRA CHAKRAVERTI: Yes, Sir; I do.

Mr. PRESIDENT: All right, I have understood your point.

Mr. B. C. LAIDLAW: Mr. President, Sir, when this question came up for discussion in another place, the view taken by the European party was that the tax came perilously near an infringement of the Central preserve of taxes on income, and I believe that that expresses the position accurately that it comes perilously near, but it does not actually infringe on the Central preserve. I think the contention is correct that the tax is not a tax on income, but as it is expressed in the Act itself, a tax on professions, trades, callings and employments. I refer you again to item 46 of the Provincial Legislative List which will surely be meaningless if this tax which we are about to discuss could not be passed. You yourself, Sir, have said that it can be passed subject to exemptions, and I take it that the Finance Minister was faced with the difficulty of knowing who should be exempted, and he cast about to see if he could find a list, and he found it in the list of income-tax payers. The tax remains a tax on professions, callings and avocations subject to exemption of those who did not pay income-tax during the previous year. It is necessary to make an income limit because a general tax on all professions, callings and avocations will be very wide indeed, and if no

exemption is made at all; it would apply to people who could not possibly pay the tax. So, there must be some form of exemption.

Mr. PRESIDENT: Mr. Laidlaw, do you contend that it is perilously near the mischief of an income-tax? I think I have heard you correctly.

Mr. B. C. LAIDLAW: That is what I think, Sir.

Mr. PRESIDENT: I ask you this question. It is clear that they can tax professions, trades, callings and employments, but it is also clear that they cannot tax earnings from these professions, trades and callings, that is income from these sources. That is the point at issue.

Mr. B. C. LAIDLAW: Taxes on income is a Federal subject. But, I submit, Sir, this is not a tax on income.

Mr. PRESIDENT: Further, if you refer to section 100 of the Government of India Act, 1935, you will find it stated in sub-section (*1*) that "*notwithstanding anything* in the two next succeeding sub-sections, the Federal Legislature has, and the Provincial Legislature has not, the power to make laws," while sub-section (*3*) which deals with exclusive provincial items, says that "subject to the two preceding sub-sections the Provincial Legislature has, and the Federal Legislature has not." From this, it is clear that in case any item comes under the purview of both sub-sections 1 and 3, and in case of any overlapping or conflict, the Federal Legislature will have precedence, or in other words, they will have the exclusive right. If you once admit that it is a tax on income, even if it be from trade, profession or calling, you will have further to concede that it comes under the jurisdiction of the Federal Legislature.

Mr. B. C. LAIDLAW: Yes, Sir, I see the point perfectly. I am in no doubt in my mind that this is not a tax on income. This is a tax on trades, professions and avocations, and the question of income comes into it because very rightly the Finance Minister has introduced exemption of those who, he does not think, can pay. This is the only thing which raises any doubt. Now, I consider that there is at least a *primâ facie* case for maintaining that it does fall in the provincial sphere and that being so, Sir, I submit that that in itself is a reason to justify this House proceeding with the consideration of this Bill.

Mr. PRESIDENT: Yes, I have understood your point.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, it appears from the Statement of Objects and Reasons and also from clause 3 of this

Bill that this Bill is intended to levy a tax on trades, callings, professions and employments. So far so good. This tax will be imposed only on those who have paid income-tax in the previous year, but what troubles my mind is this. Income-tax is assessed on the total income of a man and not exclusively on the income derived from professions, trades or callings or employments. So, I cannot understand how this difficulty will be solved.

Mr. PRESIDENT: That is an entirely different question. The point now raised by the Raja Bahadur of Nashipur is whether the House is competent to take up this legislation. There may be hundred and one other grounds for this House to reject this Bill, if it so desired. That stage will come later on. There may be inconveniences, there may be difficulties, but these questions are to be raised at a later stage. Now, the particular point before the House is whether it comes under the category of a tax on income and that is the point which is being considered. I have understood your point. How will you make it relevant to this issue?

Khan Sahib ABDUL HAMID CHOWDHURY: I raised this very question in our party meeting yesterday, where the Hon'ble Minister in charge of the Bill was pleased to observe that a man though he cannot be assessed on his exclusive earnings from any trade, still he will be liable to pay this new tax. If that be so, then the incidence of taxation does not fall on trades or callings but on his total income; and if that is so, then I am in agreement with the Raja Bahadur of Nashipur that actually by this Bill a taxation is not proposed on trades or callings, but on a man's income. In that case, this Legislature cannot undertake this Bill.

Khan Bahadur ATAUR RAHMAN: It seems to me, Sir, that some of the hon'ble members of this House are in trouble in understanding the scope of the Bill. Particularly because of the——

Mr. PRESIDENT: Order, order. The discussion is now limited to the point of order. Hon'ble member need not take any trouble to convince the members of the House. He should be satisfied, for the present, by convincing the Chair.

Khan Bahadur ATAUR RAHMAN: I think the Local Government is quite competent to introduce this Bill in this House. It is a tax on profession, trade and calling. Only a certain class of persons are omitted from the operation of the Bill. For instance, instead of assessing everyone having that class of income, a certain class is excluded, because of the smallness of income. So, I think the Bill is in order.

Mr. PRESIDENT: The contention on the other side may be that the tax ultimately or really falls on the earnings from these professions, and not on the professions, trades, callings, or employments. Have you anything to say on that point?

Khan Bahadur ATAUR RAHMAN: Even a man having one rupee income from a profession will have to pay this Rs. 30, provided his total income in the year is over Rs. 2,000. Therefore, it is not on his income but for carrying the profession.

Mr. PRESIDENT: He is to be taxed in respect of his earnings for carrying on professions, trades, callings and employments. If his earning is a very small amount, is less than Rs. 2,000 in respect of his profession, he will not be taxed.

Khan Bahadur ATAUR RAHMAN: He will be taxed even if his earning is Re. 1 from profession or trade, because his total income is over Rs. 2,000. He will have to pay tax whatever may be the sources of income, provided he has got an income of even one rupee from profession. The income of over Rs. 2,000 is the qualification of the holder of the profession, etc.

Mr. PRESIDENT: The hon'ble member will please read clause 3 where it is stated, "preceding financial year in respect of earnings of any professions, trades, callings, or employments". It is not his total income that will come under the purview of this section. He will be taxed only for that portion of his income in respect of his trade, calling, etc.

Khan Bahadur ATAUR RAHMAN: Yes, Sir. He is taxed in respect of that income. Suppose his income from house property is Rs. 1,500 and his income from profession is Rs. 600. So he has got to pay income-tax on Rs. 600 from his profession.

Mr. PRESIDENT: So, he will not be assessed, as I understand it.

Khan Bahadur ATAUR RAHMAN: He will be assessed under this Bill.

The Hon'ble Mr. NALINI RANJAN SARKER: What the Khan Bahadur says is correct, Sir. Because there are the words "either wholly or in part".

Mr. PRESIDENT: Suppose, a man's income is above Rs. 2,000 and definitely his income in respect of his profession is less than Rs. 2,000. Will he still be liable to pay this tax?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, Sir, if he pays an income-tax on Rs. 2,000, then he will be liable to be taxed.

Khan Bahadur ATAUR RAHMAN: The clause of payment of income-tax has been introduced only to define the class of assessees. Even if he is an income-tax assessee, whatever may be the source of income, provided he has a calling, provided he has got some income under one of these heads, then he will pay this Rs. 30.

Mr. PRESIDENT: Then, Khan Bahadur, how do you say it is not a tax on income?

Khan Bahadur ATAUR RAHMAN: Because, he comes under that category.

Mr. PRESIDENT: He may come under that category. As I have told you, if there is overlapping, then under section 100, if it is in any way a tax on income, the Central Legislature alone is competent to levy this tax.

Khan Bahadur ATAUR RAHMAN: It is irrespective of the amount of income. Whatever income he gets, even if he makes one rupee income, then he will have to pay this Rs. 30. Therefore, it is not on a certain rate of income. The tax is not measured on a person's income.

Mr. PRESIDENT: Is it on the income? Is it a tax on income or tax on profession?

Khan Bahadur ATAUR RAHMAN: In my view it is simply a tax for carrying on profession or calling or business.

Mr. PRESIDENT: Whatever may be the intention, if it is found that it is a tax on income, then by mere subterfuge or change of words you cannot bring it under the purview of the local Legislature. If it is a tax on income, it will necessarily be exclusively for the Central Legislature to levy the tax.

Khan Bahadur ATAUR RAHMAN: I say simply because Government thought that for the people who have got income of less than Rs. 2,000, it may be hard to pay Rs. 30. That is why Government has excluded a class of persons. For instance, in Calcutta every man who is carrying on business, pays a certain amount of Corporation tax, *i.e.*, licence fee. Similarly, every man carrying on business or profession or calling will pay a certain tax to Government under this Act, but as it will be hard on men whose income is below Rs. 2,000, these men are

excluded. Only a class of men are excluded. Even if the Government like they can exclude them under section 7 and include them within the scope of section 3.

Dr. RADHA KUMUD MOOKERJI: The point of order that I wish to raise is this: that this Bill is really an income-tax Bill, but in disguise if I may so. If we analyse the provisions of the Bill we cannot but escape from the conclusion that it is a mode, a method, of levying income-tax by the back door. Now, I wish to reinforce my point by several considerations. First of all, what is the procedure adopted by Government in levying this tax? The procedure is this—that income is the sole consideration which is guiding the Government in levying the tax. The basis of the levy is income, and therefore it cannot be confused with what in England would be frankly called "licence tax." I have consulted the English procedure on the subject, and I find that this Government, while copying the English phraseology, has departed from the spirit of the English legislation and therefore I cannot but convict this Government of a kind of subterfuge which is unworthy of a civilised Government, if I may say so; because they want to take advantage of a loophole left by legislation in the interest of the State. Therefore, I say advisedly that, whereas in England paragraph 45 of the 7th Schedule would be frankly called a license tax on professions, trades, callings and employment, here the Government think that that will not help them much, because if they levied licence fees that would amount perhaps to very little.

Mr. PRESIDENT: Why do you say so?

Dr. RADHA KUMUD MOOKERJI: For if it were purely a licence tax it would have to be graduated and might involve complications. So, they want to take recourse to some kind of simplified procedure and by pursuing the phantom of simplification, they have cast to the winds all the higher grounds of jurisprudence. The question of income is always in their brain and what they are doing is this: First of all, they are interfering whenever income attains a certain level. Therefore, the whole basis of their calculation is concerned with earnings from professions. They say that they are taxing professions as such, but really they start by calculating the earnings from professions and therefore it is very hard to distinguish between these two hair-splitting processes. So, frankly speaking, I should say that it is unworthy of the Provincial Government to take advantage of a loophole in the Government of India Act in this manner and then to say that it is not only not an income-tax in disguise, but that it is a tax which cannot be described as an income-tax at all. My contention is that Government might plainly have said that they propose to impose a certain licence fee on certain trades, callings, etc., but perhaps they felt that

it would make a serious inroad upon the sphere of legislation concerning local bodies which generally deal with licence fees. So, being caught between the devil and the deep sea, this Provincial Government has committed the greatest possible violence against the spirit of the Government of India Act, introducing a kind of tax which must be designated as an income-tax, pure and simple in spite of a disguise, because the disguise is so very thin. Therefore, what the proposal amounts to is this: that if there are citizens in the country who have been able to attain a certain standard of income, then the fact of that attainment of taxable income is at once taken advantage of by Government and they start their calculation on the basis——

Mr. PRESIDENT: From whatever sources that income comes?

Dr. RADHA KUMUD MOOKERJI: So that income is their starting point, and I say that it is a very, very dishonest start and goes against the Government of India Act. They are trying to circumvent the Government of India Act encroaching upon the federal sphere in order to give this Government a paltry sum of Rs. 12 lakhs which they could have raised in a frank and outspoken manner, and I think they are not setting a very good example——

Mr. PRESIDENT: Order, order. I expect Dr. Mookerji will confine himself to the point of order. It is no use arguing like this.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, Dr. Mookerji is the Congress Party leader in this House and he must maintain his position by both raising and speaking on points of order.

Dr. RADHA KUMUD MOOKERJI: Well, Sir, a good deal must depend upon the atmosphere that Government is breathing and they are avoiding the direct commission of a crime——

Mr. PRESIDENT: Order, order. The hon'ble member seems to be going astray from his main point.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, he always does that.

Dr. RADHA KUMUD MOOKERJI: Because the ideas of Government are always in a nebulous stage. However, Sir, as I find that Government are not at all romantic, I won't pursue this point. My point is that Government started with the conception of taxation on income——

Mr. PRESIDENT: Do you consider that it is a tax on income?

Dr. RADHA KUMUD MOOKERJI: Not income-tax directly, but I consider it to be an income-tax in disguise. But the mere fact of the disguise should not delude Government into thinking that it is not an income-tax, and I have already advanced arguments on this point.

Mr. PRESIDENT: At this stage, the Chair desires the Hon'ble Finance Minister to clarify some points which have emerged from the discussions in the House so far. Do I understand the Finance Minister to contend that this tax will be levied on any income not only in respect of any profession, trade, etc., but on other incomes also in an accumulated form?

The Hon'ble Mr. NALINI RANJAN SARKER: That will not be quite correct, Sir. This tax will not be levied on any income. This tax will be levied on persons and I have described the persons who are liable to pay this tax. The tax primarily will be levied on persons who hold some employment, who are engaged in some profession or calling or trade. The tax will be levied on those persons first and in order to give exemption to certain persons, we have decided that a class of persons who do not pay income-tax should be differently treated.

Mr. PRESIDENT: The Hon'ble Minister will please direct his attention for the present to this question of taxation. He will get ample opportunities of referring to other points later on. Now, am I correct in assuming that this tax will be levied on any person who is assessed to income-tax on his earnings from various sources, say, from profession Rs. 1,000 and from other earnings Rs. 2,000 or Rs. 3,000? Is that correct? Or, will he be assessed in respect only of his earnings from professions, trades or callings? In other words, will the tax be confined to earnings from professions, trades and callings, if that earning exceeds Rs. 2,000, or does the Hon'ble Minister think that anybody who has an earning of Rs. 2,000 and more from various sources,—only one item of which is either profession, trade or calling,—will be liable to pay this tax?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes; a man who will be called upon to pay this tax must be in employment, in trade or in profession or in a calling. Another thing is that he must be an income-tax payer, too.

Mr. PRESIDENT: Income-tax payer for his income from any source?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, Sir. From any source, but he must be an income-tax payer, first.

Mr. PRESIDENT: Then, please reply to my further question: Suppose a man earns from his profession Rs. 1,000 a year and Rs. 50,000 a year from other sources, will he then be taxed on the amount of his income from profession as well, just like a person whose total income comes up to Rs. 3,000 a year from his profession alone?

The Hon'ble Mr. NALINI RANJAN SARKER: Every one will be taxed. So far as we are concerned, we do not investigate into the sources of his income. We have only to see whether he pays income-tax. If a man holds an appointment or is in trade or profession and besides pays an income-tax, he must be taxed.

Mr. PRESIDENT: I hope you will agree that a tax on profits or gains from profession comes under the sphere of the Income Tax Act.

The Hon'ble Mr. NALINI RANJAN SARKER: Every tax ultimately is imposed upon a man's income, but it is not a tax on income. Whether a man makes profits out of his profession or from some other sources, if his financial condition and financial stability is such that he pays income-tax, then we shall assess him to this new tax.

Mr. RANAJIT PAL CHAUDHURI: May I rise on a point of order?

Mr. PRESIDENT: Well, let me finish questioning the Finance Minister.

If you will refer to the British Income Tax Act, it will be found that this item has been lifted from Schedule 1 (*d*) which deals with profits or gains from profession. That is a proper subject-matter for taxing any profit that comes under the Act. Here, also, do you make any difference between the incomes from profession or tax on profession? However, let me make the point clear. Suppose a man carries on some honorary profession and does not earn anything. Now, if it is a tax on profession, like the capitation tax, he is liable to pay that tax, whether he earns anything or not. But what would happen to a person under the proposed legislation whose professional income is below Rs. 600 a year, but whose total income from all sources put together go beyond Rs. 2,000? Will he be taxed under the proposed measure? If he is taxed by the Hon'ble Finance Minister under this proposed scheme, then can it not be contended that it is not a tax on profession, but it is a tax on his total income?

The Hon'ble Mr. NALINI RANJAN SARKER: No, Sir, I say that we are competent to impose the tax on every profession.

Mr. PRESIDENT: Yes, that is conceded.

The Hon'ble Mr. NALINI RANJAN SARKER: And we are empowered to exclude certain persons also. We have excluded those persons who do not pay income-tax, as their condition is such that they cannot bear the burden of this new taxation. We have not taken into consideration the sources of their income. We have made a division of the population of this province into tax-payers and non-tax-payers. As a matter of fact, we shall not be able to find out what his income is composed of. We shall only get hold of a list of persons who pay income-tax.

Mr. PRESIDENT: May I interrupt you again for a moment? You must concede that tax on income is a Federal subject and the Government of Bengal have really no right to legislate on that subject?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, Sir, I agree.

Mr. RANAJIT PAL CHOUDHURY: Sir, may I rise on a point of order?

Mr. PRESIDENT: Please do not interrupt me. Your side of the House has had ample opportunities of expressing its views on the point of order and I have understood them. It is a very difficult matter of interpretation. I would like to argue and understand the points raised in connection with this Bill. As a matter of fact, by this interruption I have lost the thread of the thoughts that were passing within my mind. Does the Finance Minister think that a tax on income from profession is beyond the scope of the Income Tax Act?

The Hon'ble Mr. NALINI RANJAN SARKER: That is so, Sir.

Mr. PRESIDENT: You also know that in the Indian Income Tax Act, tax on agricultural income is excluded. They can also exclude certain other classes of persons from payment of income-tax and I say that you are going a step further. Five items are included in the British Income Tax Act, namely, the first is tax on land occupiers; the second is a tax on the owners of land, the third is from profits, the fourth is profits or gains from professions, trades or callings, and the fifth is any payment that is made from Government. It is contended that you are not only excluding agricultural income but also profits from shares and interest on bank deposits, and confining yourself under a different name to taxing the fourth and fifth items included in the British Income Tax Act. You will certainly agree that by merely changing words—I shall not put it in the language of Dr. Mookerji, because a Government should not be charged with subterfuge or any sinister motive—but you will agree that what is in the statute cannot be frustrated by merely changing words, by merely saying that

it is not a tax on income. The Provincial Legislature certainly has a right to levy a tax on profession; but according to the wording of clause 3 of the Bill, it falls not only on the earnings of a man from his profession, but on his other earnings as well. He might earn from his profession only Rs. 1,000 which is admittedly not taxable as you do not like to tax a man for his profession who is earning less than Rs. 2,000. A man who is earning Rs. 1,000 from his profession, according to this calculation, might have been excluded, but because he has other earnings which bring him under the Income Tax Act, that is to say, because his total income is more than Rs. 2,000, you will tax him. Then, where really is the incidence of this proposed tax? It is on his earnings. And once this proposition is conceded, then certainly it becomes a subject for the Federal Legislature. Mr. Sarker, I would like you to argue on this point.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, if you say that I am competent to levy a tax on professions irrespective of one's income, I do it. If he pays income-tax on his earnings, he will have to pay Rs. 30.

Mr. PRESIDENT: But please remember that you have no right to tax the income of his profession.

The Hon'ble Mr. NALINI RANJAN SARKER: I am not going into the details of his income. He is a professional man and even if he earns one rupee, I am competent to tax him, irrespective of his income. But now I am trying to exclude somebody.

Mr. BANKIM CHANDRA DATTA: How can you?

The Hon'ble Mr. NALINI RANJAN SARKER: Where ignorance is bliss, it is folly to be wise, Mr. Datta.

I say, Sir, that I am competent because the Bengal Legislature is competent to tax any professional man or tradesman or man holding employment even if his income is Rs. 100. But I say that we exclude those classes of men who do not pay income-tax. If I can tax the whole, I think I have got power also to exclude some. My test is that those who do not pay income-tax should be excluded. I am not going into the source of his income. I am taxing men holding professions, men holding employments.

Mr. PRESIDENT: If they have no earning, then also?

The Hon'ble Mr. NALINI RANJAN SARKER: If a man gets employment, he must have a salary of Rs. 30, or Rs. 1,000.

Mr. PRESIDENT: Not necessarily. There may be honorary professions. He may or may not earn an income. Even an honorary doctor should be subjected to a licence tax for pursuing his profession. But that is a different matter. So far as I have been able to follow the trend of your argument, it is this: A man simply following a profession without earning anything from it will not be touched by you. For purposes of the proposed tax, he must have some earning from that profession. That makes it clear that your attention is directed towards his earnings from profession. It is true that you are going to tax men for his following a profession—and you are within your jurisdiction in doing so. But in so far as this taxation has undoubted reference to his earning from the profession, it may be taken to come under the jurisdiction of the Federal Legislature also. Thus, there is an overlapping. I will now refer you to section 100 of the Government of India Act where it is said that in case of overlapping, it is their right, because your right is subject to their right. In sub-section (1) of section 100, it is said: "Notwithstanding anything in the subsequent clauses, the Federal Legislature's jurisdiction will prevail".

The Hon'ble Mr. NALINI RANJAN SARKER: In that case, Sir, I would refer to the Federal Court judgment in respect of the Sale tax. They have forwarded a different solution. They say that all sorts of adjustment must be made when the question of overlapping will come. Here, I am entitled to levy a tax on any man who will have any profession. If I accept your view——

Mr. PRESIDENT: Order, order. I have expressed no views. I have put in different sides of the question.

The Hon'ble Mr. NALINI RANJAN SARKER: If I accept that point of view that a man can only be taxed on his earnings on a particular profession or calling, then I am not competent to levy a tax on the income of a man holding an appointment, holding a profession, or holding a trade. That is a Central subject. I can only tax irrespective of his income a man holding these things. It is a sort of capitation tax. But in finding out a suitable practical formula for exemption of persons, I have classified persons following trades, professions and callings into two classes, tax-payers and non-tax-payers. I say, non-tax-payers are exempted and tax-payers are included in this.

Mr. PRESIDENT: It appears to me that this clause has not been properly drafted. The clause reads as follows: "As from the first day of April, 1939, every person who was assessed to income-tax under the Indian Income Tax Act, 1922, in the preceding financial year in respect of earnings of any profession, trade, calling or employment pursued, etc." I took you by the language used in this clause.

The Hon'ble Mr. NALINI RANJAN SARKER: That is, Sir, a description of the man. I have included and excluded certain persons, and I have tried to describe them.

Mr. PRESIDENT: You certainly agree that in fixing the duty, you have to take into account not only the earnings of the man in connection with his profession, but the other earnings as well.

The Hon'ble Mr. NALINI RANJAN SARKER: No, Sir. I will not. I will get a list of persons who are income-tax-payers. I will levy the tax on those who are income-tax-payers. Whether their income is Rs. 3,000 or Rs. 5,000 or Rs. 10,000, I will not go into that matter. I will get from the Government of India a list of the class of persons who pay income-tax. I will put my tax on those people.

Mr. HUMAYUN KABIR: Then, it is a tax on income-tax-payers and not on profession.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The points, Sir, are very simple to my mind. As the Hon'ble Finance Minister tried to explain that it is not really a tax on income. We have nothing to do with the income itself. It is really a tax on the person and the wording "a man paying income-tax" is merely a description. Suppose, instead of mentioning that the man who is assessed to income-tax, it was mentioned that a person having profession, trade or calling, living within the jurisdiction of the Original Side of the High Court, should only pay Rs. 30 tax irrespective of his income, it would have the same effect. The idea is that whatever their income might be from the trade, profession or calling, they should pay Rs. 30 as a consolidated tax. It is not a graduated tax as in the case of income-tax.

Mr. PRESIDENT: What is the difference, I do not know. Whether it is graduated or not, it is a technical ground. I am saying that you have no right to tax an income, but you have every right to tax a profession, but here I find you really depend on the income of a man.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, I am not depending on the income of the person. As I just submitted, it is a tax on persons. It is merely a description that he should come under the class of income-tax-payers. That is, the idea underlying this Bill is that instead of saying that a person living within the original jurisdiction of the Calcutta High Court and having a trade,

case, the interpretation should be in our favour for extending our power. I disagree with Dr. Mookerji's statement that this Act is merely a subterfuge for a tax on income. It is the every-day business of Government to avoid any restriction on its power wherever restriction has been imposed—if that restriction is not natural restriction but arbitrary restriction, arbitrarily imposed—and it will be the duty of an intelligent Legislature to see that they are not hampered in their work and whenever possible should extend that power. If that is a subterfuge, Sir, then it is a subterfuge which is quite commendable. Matters like money-lending, banking, etc.——

Mr. PRESIDENT: Order, order. That matter is not before the House now. You may sit down now. I have appreciated your point.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, while speaking on this point of order, may I be permitted to move that this Bill be refused as it is illegal?

Mr. PRESIDENT: You cannot move anything at this stage. You can only speak on the point of order.

Mr. LALIT CHANDRA DAS: After all, it is a point of order that I am going to raise.

Mr. PRESIDENT: All right, you may do so afterwards.

Mr. E. C. ORMOND: Sir, with your leave I will make only one observation on one aspect of this matter. The view of the group to which I have the honour to belong has already been fully and accurately stated by the hon'ble member who spoke earlier in this afternoon, I mean Mr. Laidlaw, and with your leave I would not say anything as to whether this Act, if the Bill as framed becomes an Act, comes properly within item 54 of the First List, or whether it comes only under item 46 of the other List, or whether it comes under both the items, in which case, as you pointed out, Sir, the effect of section 100 of the Government of India Act, 1935, has to be considered. I will not say anything about this point, but I would only like to bring before you, Sir, one practical aspect of the matter. If this House should take up this Bill, thinking that it is *intra vires* and then some person of a quarrelsome or miserly nature unwilling to pay this tax should wish to take the matter before the Federal Court and should get a declaration from the Federal Court that the Act, as it then would be, was *ultra vires*, then the Government would be in the unenviable position of having to refund all the taxes collected. On

the other hand, I think that if you, Sir, rule to-day, that the Bill is *ultra vires*, then I take it that the Government would also be in a position to put this point of law, as it appears to fall clearly within section 213 of the Government of India Act, 1935, before the Federal Court for its opinion and then we would be in the unenviable position of being told to go about our business which we had refused to go about before. And I would make a suggestion from a practical point of view only in case it may meet both sides of the people who have advanced arguments for and against the validity of this Bill. You will see that in the Bill itself under clause 1(3), there is the provision that it shall come into force on such date as the Provincial Government may by notification in the official Gazette appoint. Well, if the Government are accommodating enough to state that they will fix a certain date not very far in the future, that would allow of this question being put before the Federal Court for its opinion, which will not entail long, lengthy and cumbersome litigation but merely the process of placing the matter before the Federal Court for its opinion, and the matter would be decided finally and conclusively. You will recollect, Sir, the provision of section 213 of the Government of India Act, which is that if at any time it appears to the Governor-General that a question of law has arisen or is likely to arise, etc.....Now, Sir, this is certainly a question of law and is certainly likely to arise, even if it is not said to have arisen now, but I believe it could be said that it has already arisen, and therefore if the Provincial Government merely indicated the position to His Excellency the Governor-General and on half a sheet of paper put up a request to give a pronouncement as to whether it is *ultra vires* or *intra vires*, unless there is some difficulty which I do not at present foresee, I take it that an answer could be obtained in a week, or certainly in a month. In that view of the matter and from a practical point of view, I would respectfully put the suggestion before you, Sir, that we may go on with the Bill subject to the date for the enforcement thereof not being too early. That would prevent the collection of any tax which might be held afterwards to be *ultra vires*. We would, moreover, not like to have your ruling upset by a decision of the Federal Court.

Mr. PRESIDENT: As to the point raised by Mr. Ormond, I can only say that I am not worried as to whether my ruling is upset by the Federal Court or not. All the rulings that are upset are not necessarily incorrect. I will have no hesitation in giving my ruling on the point of order raised. But if I find any reasonable doubt in my mind that the wording of clause 3 of the Bill is liable to be interpreted in a different way, then certainly, I shall not give a ruling which would kill the Bill. But I would like to hear if anybody has anything further to say.

Dr. RADHA KUMUD MOOKERJI: On a point of information, Sir. May I know if Government have consulted the Advocate-General on the subject, and if so whether his opinion may be made available to us?

Khan Bahadur NAZIRUDDIN AHMAD: The only question before the House is whether the proposed tax comes within item 46 of List I. That is whether it is a tax on professions, trades, callings or employments. That is the simple question which we have got to answer. I submit——

Mr. PRESIDENT: Order, order. The question is simply this: It is admitted on all hands that the House has the right to tax a profession. Whether this is really a tax on earnings from professions or a tax on trade, calling or employment, that is the question.

Khan Bahadur NAZIRUDDIN AHMAD: I admit, Sir, that that is the real question—whether it is income-tax. If so, the Bill would be *ultra vires*. The question is whether it is a tax on trade, calling, etc., or a tax on income. I submit that when the statute has made two different provisions—one cognisable by the province and the other by the Centre—there is a real distinction between the two, that is that the law contemplates that there are certain taxes on professions, trades, or callings or employments which do not come within the meaning of a tax on income. That distinction has been kept in mind by Parliament in framing these two provisions. I submit that we must give effect to both these provisions or we will be guilty of reducing item 46 of the Provincial List, deliberately inserted in the Constitution by the Legislature, to nullity or to insignificance, which we are not permitted to do. Now, whether it is a tax on income or otherwise depends on the decision of a very simple question, and the question is this: What is the basis of this tax? Is the basis of the tax income or is it based on professions, trades, callings or employments? This is the simple question the answer to which will decide the matter. I submit that initially and also substantially the proposed tax is based on professions and substantially the question comes to this: that all persons carrying on a profession, trade or calling or employment would be taxed with certain exemptions. These exemptions relate to people who are poor and who have not a sufficient income. It is therefore a tax on professions, etc., with exemptions for those who would not be able to bear the burden. The mere mention of the word "income-tax" in the Bill has created some amount of scare, but the tax is not based on income at all. The payment of income-tax is a convenient standard of judging the ability of a man to pay the proposed tax. There is merely an exemption in

favour of those who do not pay income-tax, and that is why the word "income-tax" has come in. I submit that the tax itself is not at all based on income, but the exemption only has relation to payment of income-tax. The tax is not less a tax on profession, etc., simply because certain persons who do not pay income-tax are going to be exempted.

Mr. PRESIDENT: I appreciate your point. You say that this tax is only on profession and that provision is made in the Bill for the exclusion of persons who are least able to pay this tax. I have understood your point.

Khan Bahadur NAZIRUDDIN AHMAD: The question can be looked at from another point of view. Suppose there was a Bill to levy a tax on all persons carrying on a trade, profession, calling or employment, then it would be *intra vires*. Is not the Legislature thereafter competent to provide for remission to those persons or classes of persons whom it considers worthy of this favour? If the Legislature is capable of giving remissions, it is clearly competent to define the class. The Bill simply attempts to define exemptions by the convenient standard of payment of income-tax.

Mr. PRESIDENT: I have appreciated your point.

Khan Bahadur NAZIRUDDIN AHMAD: You will further be pleased to find, Sir, that in the Statement of Objects and Reasons it is stated that "the object of the Bill is to raise revenue by levying an ungraduated tax on trades, professions, callings and employments exempting persons who do not pay income-tax." The standard as to who should be exempted is, as I have already submitted, merely accidental. It is an arbitrary but convenient choice and the Bill attempts to exempt those persons who do not pay income-tax; otherwise the primary basis of the tax is profession, etc., and not income. I submit an example for the consideration of the House. Suppose a man has an ordinary income of Rs. 1,999 and he has an income of Re. 1 from a certain trade or profession, etc., and his total income is thus Rs. 2,000. He would at once be liable to pay income-tax on Rs. 2,000, and under this Bill he would be liable to pay Rs. 30 per year though his income from his trade or profession is only Re. 1. I venture to submit that the tax is not based on income at all. A man having an income of one rupee from his profession will be liable to pay Rs. 30 as tax. Clearly this tax is not dependent on income at all. A man earning a large sum of money——

Mr. PRESIDENT: The duty is not only on his income from profession, but it is on his income from other sources as well.

Mr. LALIT CHANDRA DAS: Your illustration destroys your argument. (Laughter from the Opposition Benches.)

Khan Bahadur NAZIRUDDIN AHMAD: I find I have created some amount of merriment in the Congress benches, but I think the merriment is due to a misunderstanding.

The position in such a case is this: that a man earning only a rupee will have to pay a tax of Rs. 30. Is this a tax on income? My respectful reply is "certainly not." The tax in the illustration is greater than the income. I beg to submit that instead of the illustration going against my argument, it supports my contention that it is not a tax on income. A tax on income is obviously only a fraction of the income. A tax on income can never be equal to or greater than the income. That would be, I submit, absurd. But here the so-called income-tax is thirty times the income—a contradiction in terms. I cannot conceive of an income-tax which will take away all the income and much more. The levy of the tax does not at all take income into consideration. Whether the income is one rupee or 100 rupees or one lakh of rupees, the tax remains the same. The basis on which the tax is based is profession, trade or calling with provisions for exceptions. The way in which the Bill is drafted has been due to the exigencies of draftsmanship and practical convenience. I beg to submit that substantially the position is simple. It is that all persons having a trade, calling or profession or employment would be liable to pay an annual tax of Rs. 30. Exemptions would be granted to those persons who do not pay income-tax, that is substantially the poorer section of the people. A reference to this standard at once eliminates trouble and expense and is thus convenient from a practical point of view.

Apart from this, there is the other question that we are here, Sir, to maintain and enlarge the scope and jurisdiction of this House if possible without unduly straining the language of the Act. If there is any doubt, I submit, Sir, you should decide in favour of the legality of the Bill and not in favour of illegality. That would be anticipatory surrender of provincial autonomy. Let those who take the responsibility of declaring this Bill to be illegal by way of anticipation do so, but we should not quite unnecessarily volunteer to abdicate our function through fear and declare the Bill illegal. You have rightly observed, Sir, if I may say so with respect, that if there is any doubt, you will exercise that doubt in favour of the legality of the Bill, and the fact that the Federal Court may ultimately upset the whole thing, should not frighten and deter us from the discharge of our duties.

So, in these circumstances, I beg to submit that on the basis of this tax, namely, profession, trade or calling, or employment, an exemption has been made for the poorer classes who do not pay income-tax; the word income-tax has come in merely incidentally but this is not sufficient

reason to hold that this tax is based on income. With these few words, Sir, I humbly submit that the House has jurisdiction to entertain this Bill.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, we have listened to the arguments for and against the particular point of order. To my mind, Sir, a very intricate question of law is involved in this matter. Therefore, I suggest that under section 64 of the Government of India Act, the Advocate-General has a right to attend and speak on a particular question of law in this House if summoned by you. As on a previous occasion, the Advocate-General's opinion will be of immense value. We recognise the importance of augmenting the resources of the Government, but at the same time we cannot allow any illegal piece of legislation to be passed in this House. Whether it is legal or illegal, will depend upon expert opinion. That is why I make this submission.

Mr. HUMAYUN KABIR: Sir, one thing is clear from the discussion which has taken place in respect of this point of order and that is that this section is not very clearly drafted. For, we have had two interpretations, one from the side of the Government that the tax will be on all persons who pay an income-tax, whatever be the sources of their income, and we had also other opinion from the Deputy President who also is a legal luminary that the tax will be only in respect of income which is derived from profession, calling, etc. Therefore, Sir, that in itself is a point which we have to remember in considering this particular clause. That is relevant in this way. If the tax is on income irrespective of the profession, then we cannot say that it is a tax on profession. If the tax is on income whatever be the source from which the income is derived, we can no longer call it a tax on profession as was pointed out by Mr. Hamidul Huq Chowdhury. This tax will be paid even by those persons who may derive an income of only one rupee from their profession or calling or trade and may derive other incomes from other sources. If they are at all liable to income-tax, they will be liable also to this tax. That makes it a tax not on profession, but on income. As I was saying earlier and as was acknowledged by the Finance Minister himself that it is a tax not on profession, but a tax on income-tax-payers. Also, Sir, as Mr. Laidlaw made it clear, as the Bill is drafted, it is perilously near the mischief of the Income Tax Act.

Then, there is the other consideration which has been suggested that reference to income-tax has been brought in only in order to provide the exemptions to persons who are liable to pay a tax under this Act. Now, Sir, as soon as the principle of exemption is based upon the income-tax, it is admitted that the process under which the tax is sought to be levied in terms of this Bill, is on the income. If the exemption is

on the basis of income, the presumption is that the tax itself is on the income and not on the profession. Therefore, these two considerations, one that the whole of the income will be taken into consideration and not merely the income which may be derived from a particular profession or calling, and, secondly, that the exemptions are also on the basis of income-tax, raise a presumption that this Bill, as it is drafted now, is perilously near the mischief of the Income Tax Act. Therefore, if the Government want to proceed with this Bill at all, they should have an amendment to clause (*3*) sub-clause (*1*), which makes the position clear and enables us to understand whether the tax is on professions or whether it is on income and if the income-tax is brought in at all, is it with respect to the income which is derived only from profession or from whatever sources it may be derived? Therefore, Sir, I suggest that the Government should take time to bring an amendment in order to clear that point.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, may I give a parallel to this tax germane to the discussion by quoting section 175 of the Calcutta Municipal Act? Section 175 of the Calcutta Municipal Act is practically on the same basis as this tax. Every person who exercises or carries on in Calcutta either by himself, or by agent and so on, any of the professions, trades or callings indicated in Schedule 6 and so forth—in Schedule 6 there is a graduation, that is, people who are not very well off pay less, etc. There is a provision there that the Chief Executive Officer has the right to exempt any person following these trades or professions, for example a lawyer who has got no income, and who has practically no business. In the same way, the Government are exempting those who do not pay income-tax. It follows the provision of the Calcutta Municipal Act. In the former case, the authority to exempt is the Chief Executive Officer and here it is the Bengal Government. Therefore, there is a parallel between the principle of tax as made by the Bengal Government and that by the Calcutta Municipal Act.

Mr. KADER BAKSH: Sir, I would like to say only a word or two. We have discussions of this Bill both here and outside this House. I think, Sir, the question is very simple. I was also in doubt that this is a tax on income. I had that idea. But as I discussed with my friends that idea has been removed, because Sir, it is defined that it is a tax on persons carrying on some particular business. Now, Sir, definition has been given as to the qualifications he must possess before he can be taxed. The first qualification is he must be a man who pays income-tax.

Mr. PRESIDENT: May I ask the hon'ble member a question? Suppose a man who carries on profession of a doctor or a physician has

a very extensive practice, but does not charge any fees. If it is a tax on profession, he would not be exempted.

Mr. KADER BAKSH: Certainly, he will not be exempted.

Mr. PRESIDENT: But under the present rules, will he not be taxed?

Mr. KADER BAKSH: Yes, Sir, he will be taxed.

Mr. PRESIDENT: He will not be taxed, because he has no earnings from his profession.

Mr. KADER BAKSH: It is not possible to ascertain the income—whether he takes any fee or not it is not known to anybody. He may profess that he does not take anything.

Mr. PRESIDENT: The tax is like a capitation tax. On this basis, the Provincial Legislature has certainly a right to levy. The point has also been raised by Khan Bahadur Naziruddin Ahmad that Government has a right to make an exemption of any member they like. These are not contended, but the question is where is the incidence of tax? If we really look to the earnings of a man whether it exceeds Rs. 1,000 or not, it is a tax on the income from these professions.

Mr. KADER BAKSH: It is a tax on persons carrying on certain form of business, having some income derived from that business.

Mr. PRESIDENT: You are including even income from other sources.

Mr. KADER BAKSH: Another qualification which he must possess is this, that he must be a man who is assessed to income-tax. He must be a man of profession from which he earns an income of more than Rs. 2,000.

Mr. PRESIDENT: From whatever sources his income is, he will be taxed.

Mr. KADER BAKSH: Any man who carries on a profession, whatever may be his earning from other sources, shall be taxed.

Mr. PRESIDENT: He may not earn anything. Even then being a professional man, if his earning is above Rs. 2,000 he will be liable to this tax according to the interpretation of the Finance Minister, but not according to the Deputy President.

Mr. KADER BAKSH: Not according to the wording of the section. There must be the word "earning" there. If there is no earning, then he cannot be taxed. He must have some sort of earning, even one rupee or eight annas.

Mr. PRESIDENT: Have you any new point to make?

Mr. KADER BAKSH: This is my point, Sir.

Mr. PRESIDENT: These are the points that have already been made.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That this tax is apparently on a capitation basis is clear, because it has no regard to the income from profession or trade as has already been explained. A person having an income of Re. 1 will be assessed if he is an income-tax assessee; whereas a person earning Rs. 1,000 from profession but not having any other source of income will not pay a pice of this tax. So it is not on the basis of income.

Mr. PRESIDENT: This really depends on the income whether it is from profession or not.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: And I say that it is a tax on profession. The Finance Minister says that if his income from profession is only Re. 1 and income from other sources sufficient for him to pay the income-tax, even then he will have to pay this tax. That is the real position—the assessment is not on the basis of income but on profession; but members of the profession below a certain economic standard are exempted. Those members of the profession who are above a certain economic standard but whose professional income is only Re. 1, they will also have to pay Rs. 30. Exemption is allowed only to poorer men in the profession only. Assessment, as I have shown, is not on the basis of income, but exemption is allowed on the basis of a certain minimum income.

The Hon'ble Khwaja Sir NAZIMUDDIN: After hearing the discussion here on this subject, I feel, Sir, that the fundamental difference between an income-tax and a capitation tax is this: that the basis of income-tax is the income, that is to say, that, all income-tax wherever it has been levied is so much off the income—one pice or two pice or more than that on the income, and you can then fix the amount whatever it may be, the amount may be Rs. 10 or Rs. 50 or Rs. 500. That is the basis of taxation. Income-tax is so much and so much on your income, whereas here the question is not what is your income, but is a flat rate of Rs. 30 a year on all persons who pay income-tax and

are besides in employment, trade or calling. And those who do not pay any income-tax are exempted. Reverting to the question that you, Sir, asked Mr. Kader Baksh about the doctor who had got very extensive practice but charged no fees and had got no income, he will not have to pay any capitation tax. It is because he has got no income from profession which is going to be taxed under this Bill. But this doctor will have to pay income-tax if he has got sufficient income from other sources.

Mr. PRESIDENT: In case of capitation tax, however, the doctor will not be exempted from the Calcutta Corporation tax.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, Sir, your example of the Calcutta Corporation tax absolutely supports my case. For example, suppose, Sir, there is a lawyer who is not in actual practice but gives free advice to the litigation public, then the Chief Executive Officer of the Calcutta Corporation is morally bound to exempt him from the profession tax.

Mr. LALIT CHANDRA DAS: But is the Executive Officer legally bound to exempt him?

The Hon'ble Khwaja Sir NAZIMUDDIN: Where there is discretion you cannot bring in the question of law; morally he is bound to exercise discretion. Here is a legal man who does not charge for the legal advice that he gives, but if he carries on some trade he will have to pay a profession tax to the Corporation, and yet he will be exempted from income-tax, because the basic principle of all income-tax is that a man must have a certain income before he is made to pay. It is the capacity to pay in the former case that is concerned, but here the State is putting on a tax on all trades and callings, etc., but at the same time is giving exemption to people on the ground of their incapacity to pay. It cannot be a tax on income for this reason that every income-tax whatever be its amount is always on the income and not on a flat rate. The fundamental difference between an income-tax and capitation tax is that the former is graduated and the other is a flat rate. There are any number of taxes——

Mr. PRESIDENT: I quite appreciate the justice and equity of the tax being graduated in the case of an income-tax. Income-tax is generally progressive or regressive as they say in terms of economics.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir. But it is never on a flat rate.

Dr. RADHA KUMUD MOOKERJI: Suppose it be on a flat rate——

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, there is no supposition here. The basic principle of all income-tax is that it is never on a flat rate and therefore a tax which is on a flat rate can never be an income-tax.

Mr. PRESIDENT: It is true that all tax on income is not a flat rate, but if it is not so in a certain case, will that necessarily make that income-tax illegal? Suppose there is an income-tax in a country where people whose earning is less than Rs. 5,000 a year are not required to pay any tax, but anyone who has a higher income will have to pay. Will that be illegal? And I further hold that the first schedule is a tax on income and not an income-tax: for that is a wider term.

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that a tax on income means that you place a tax on a proportion of your income and not on the whole of the income, because some people have to pay Rs. 5, some Rs. 10 and some as much as Rs. 50 or more.

Mr. PRESIDENT: If it is not graduated is it necessary to contend that it is not an income-tax? I think, however, that the general proposition is followed in practice.

The Hon'ble Khwaja Sir NAZIMUDDIN: First of all, the amount of the income-tax must be graded. And this is the basis of all the recognised principles of taxation, otherwise it will be unfair. It goes against the very principle of taxation to have an income-tax which is ungraded.

Mr. PRESIDENT: In case of this tax it has been contended that it should have been graded.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not possible to do, Sir, for in that case it becomes an income-tax. It has not been graduated because it is not income-tax. The difference between a capitation tax of this kind and an income-tax is that whereas income-tax is more equitable the incidence of capitation tax is always inequitable.

Dr. RADHA KUMUD MOOKERJI: I object to the use of the words "capitation tax" in this connection. What does it mean?

The Hon'ble Khwaja Sir NAZIMUDDIN: It means per capita—per head.

Dr. RADHA KUMUD MOOKERJI: Why not use the words "poll tax"?

Mr. PRESIDENT: The Hon'ble Minister is fully relevant. What is the harm in calling it a capitation tax?

Dr. RADHA KUMUD MOOKERJI: Because it is irrelevant.

Mr. PRESIDENT: No, it is not irrelevant.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think I have been able to make my point clear that the basic principle of all taxation is this: that an income-tax must be a graded tax, and the differentiation that is made between an income-tax and a capitation tax is this: that the one is a graded tax and the other is a flat rate on income. If it were not so, then you would see that every tax on profession which has been imposed by any municipality will be open to the same objection. And this is the only way in which we can distinguish between the two. These are the two bases of all recognised principles of taxation.

Dr. RADHA KUMUD MOOKERJI: Sir, I wish to submit clearly to this House that this Bill is really an assessment on income. I want a categorical denial of this position from the Finance Minister.

The Hon'ble Mr. NALINI RANJAN SARKER: Absolutely none.

Dr. RADHA KUMUD MOOKERJI: This Bill I maintain with all humility proposes to start by assessing income. It will not operate——

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, by allowing Dr. Mookerji to speak you are only exposing the Congress.

Dr. RADHA KUMUD MOOKERJI: Very well, Sir. If the Congress is going to be exposed I am quite prepared to face the exposure. But, Sir, this is a matter of philosophy, and the Finance Minister should not take it in a light-hearted way.

My first point is that Government is only taking recourse to a subterfuge——

The Hon'ble Mr. NALINI RANJAN SARKER: Where ignorance is bliss, it is folly to be wise!

Dr. RADHA KUMUD MOOKERJI: Government say that this Bill is not assessing income. Let them say so. But they cannot escape from the fundamental fact that they are assessing income which they and their supporters are denying so glibly. But the fact is that this

tax can be levied only on the basis of income. Therefore, what is assessed here is income and nothing else. The Government is taxing the income-paying public. Is it or is it not?

The Hon'ble Mr. NALINI RANJAN SARKER: Not all the income-tax-paying public.

Dr. RADHA KUMUD MOOKERJI: The Government of Bengal are proposing to tax the public and between the four words that are used, namely, trades, callings, professions or employments,—within the ambit of all these four words, they have covered every conceivable means of livelihood and, therefore, I maintain the two propositions that the Government is assessing income by the backdoor though not directly. Government is really not imposing what is called a profession tax—I should like to use the word "profession" tax and not "capitation" tax—and I do hope that poll tax will not be revived by this Government in imitation of the great Governments of the mediaeval times! It is, strictly speaking, not a profession tax, because it cannot operate unless a particular level of income is attained by the public. Therefore, it is assessing the income of the public, and therefore it is income-tax.

Mr. PRESIDENT: Dr. Mookerji, this Government is also granting exemption to certain persons on the lines of the income-tax.

Dr. RADHA KUMUD MOOKERJI: They are doing so, because the income-tax authorities want to levy a tax on income below Rs. 2,000. They therefore are following the British Income Tax procedure blindly. Both in its positive as well as in its negative aspects, the Bill presents features of a regular income-tax Bill; no doubt the features may not be the direct features of a legitimate child, I agree, but it has features which are somewhat disguised of such a child.

The Hon'ble Mr. NALINI RANJAN SARKER: Perhaps, Sir, I will be given an opportunity of replying to the debate to-morrow.

Mr. PRESIDENT: Yes, surely.

Mr. PRESIDENT: The House now stands adjourned till 2-15 p.m., on Wednesday, the 10th May, 1939.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 10th May, 1939.

Members absent:

The following members were absent from the meeting held on the 9th May, 1939:—

(1) Mr. Nagendra Chandra Datta.
(2) Mr. Kamini Kumar Dutta.
(3) Alhadj Khwaja Muhammad Esmail.
(4) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(5) Khan Bahadur M. Abdul Karim.
(6) Mr. Naresh Nath Mookerjee.
(7) Rai Bahadur Satis Chandra Mukherji.
(8) Mr. H. P. Poddar.
(9) Rai Bahadur Radhica Bhusan Roy.
(10) Mr. Sachindra Narayan Sanyal.
(11) Mr. D. H. Wilmer.
(12) Mr. H. G. G MacKay.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 10th May, 1939, at 2-15 p.m., being the sixth day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Oath of Allegiance.

Mr. PRESIDENT: Any member desiring to take his seat will please come to the Table and take the oath or make the affirmation of allegiance in the manner prescribed.

The following member then took the oath of allegiance:—

Mr. H. G. Hunter.

Mr. LALIT CHANDRA DAS: May I rise on a point of information, Sir? One seat is vacant in this House owing to the death of the Maharaja of Santosh. There is no notification as yet to show that it is going to be filled up.

Mr. PRESIDENT: You may mention this matter after the questions are finished.

QUESTIONS AND ANSWERS

Employees of the Registration Department.

38. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that under Government Servants' Conduct Rules as well as under Civil Service Regulations, no Government Officer can threaten his subordinate employees, if they join any registered Union?

(*b*) Is it a fact that the District Sub-Registrar and Head Clerk of Alipore, 24-Parganas, have been now harassing and transferring their subordinate employees if they join the All-Bengal Registration Employees' Association, a registered body under the Trades Union Act, 1926?

(c) If the answers to clauses (a) and (b) are in the affirmative, will the Hon'ble Minister be pleased to state the reason of so harassing and transferring the subordinates, referred to in clause (b)? If so, what action is taken or intended to be taken in the matter? If not, why not?

(d) Will the Hon'ble Minister be pleased to state how many clerks and copyists have been transferred from one Sub-Registry Office to another showing in the statement—

(i) names, dates and causes of transfer; and

(ii) what amount was spent for the last two years as travelling allowance for such transferring?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes.

(b) No.

(c) Does not arise.

(d) (i) A statement is placed on the table.

(ii) Rs. 18-9. No travelling allowance was allowed for transfers at request.

Statement referred to in the reply to clause (d) (i) of question No. 38, showing the names of clerks and muharrirs of the district of the 24-Parganas transferred from one office to another during the last two years 1937 and 1938 and the reasons for such transfers.

Serial No.	Name.	Date of transfer.	Cause of transfer.
1	Basanta Kumar Haldar, Muharrir, Naihati.	27th April, 1937	Transferred to Ghateswara at request in the vacancy caused by retirement of the former incumbent.
2	Eshaque Ahmed, Muharrir, Matla.	28th April, 1937	Transferred to Naihati on ground of insufficient work at Matla.
3	Warasat Ali, Muharrir, Deganga.	4th May, 1937	Transferred to Bashirhat on ground of insufficient work at Deganga.
4	Syed Hafizuddin Ahmed, Clerk, Cossipore-Dum Dum.	17th July, 1937	Transferred to Budge Budge for misconduct and inefficiency. Proceedings were drawn up against him and he was punished with stoppage of increment.
5	Jasimuddin Ahmed, Clerk, Budge Budge.	17th July, 1937	Transferred to Cossipore-Dum Dum *vice* Syed Hafizuddin Ahmed (No. 4 in the list).

Serial No.	Name.	Date of transfer.	Cause of transfer.
6	Meftahuddin Ahmed, Clerk, Baduria.	15th September, 1937.	Transferred to Barasat as a result of complaint of malpractices made against him by public.
7	Ratneswar Mukharji, Clerk, Barrackpore.	13th September, 1937.	Transferred at request to Baduria *vice* Meftahuddin Ahmed (No. 6 in the list).
8	Baidya Nath Biswas, Clerk, Barasat.	13th September, 1937.	Transferred to Barrackpore *vice* Ratneswar Mukharji (No. 7 in the list).
9	Syed Eskandar Ali, Muharrir, Bashirhat.	4th February, 1938.	Transferred to Budge Budge *vice* Manmatha Nath Mandal transferred on promotion to Sadar.
10	Khalil Ahmed, Muharrir, Deganga.	7th February, 1938.	Transferred to Ghateswara *vice* Basanta Kumar Haldar transferred on promotion to Sadar.
11	Shaikh Ata Karim, Muharrir, Sadar.	1st April, 1938	Reverted as Mufassil Muharrir at his own request and posted at Barasat.
12	Birendra Nath Chatterji, Clerk, Hasnabad.	18th July, 1938	Transferred to Baduria on mutual arrangement with Ratneswar Mukherji.
13	Ratneswar Mukharji, Clerk, Baduria.	18th July, 1938	Transferred to Hasnabad on mutual arrangement with Birendra Nath Chatterji.
14	A. K. M. Fazlul Karim, Muharrir, Cossipore-Dum Dum.	....	Transferred to Kakdwip as he was suspected of having interpolated some figure in a registered deed and also of being responsible for the missing of a large number of sale certificates from office.
15	Pratap Chandra Ghosh, Muharrir, Baruipur.	31st October, 1938.	Transferred to Matla as a result of a petition of complaint made against him for taking illegal gratifications and to that end causing trouble to public.
16	Bhupendra Nath Banarji, Muharrir, Matla.	26th October, 1938.	Transferred to Baruipur at request *vice* Pratap Chandra Ghosh (No. 15 in the list).
17	Chunilal Mandal, Muharrir, Habra.	11th November, 1938.	Transferred at request in the chain of transfers of Nos. 15, 19, 20 and 21 in the list.

Serial No.	Name.	Date of transfer.	Cause of transfer.
18	Jamayet Ali, Muharrir, Behala.	27th October, 1938.	Transferred to Cossipore-Dum Dum *vice* A. K. M. Fazlul Karim at request (No. 14 in the list).
19	Prafulla Kumar Ghosh, Muharrir, Kakdwip.	11th November, 1938.	Transferred to Baduria at request *vice* Kazi Abdul Hye (No. 21 in the list).
20	Kazi Abdul Hye, Muharrir, Baduria.	11th November, 1938.	Transferred to Habra as result of complaint of malpractices made against him by the public.
21	Subodh Chandra Mandal, Clerk, Mathurapur.	21st November, 1938.	Transferred to Ghateswara at request *vice* Khagendra Nath Mandal (No. 23 in the list).
22	Khagendra Nath Mandal, Clerk, Ghateswara.	22nd November, 1938.	Transferred to Diamond Harbour *vice* permanent incumbent retired.
23	Jasimuddin Ahmed, Clerk, Cossipore-Dum Dum.	23rd December, 1938.	Transferred to Deganga for negligence of duty. He was also suspected of having interpolated some figure in a registered deed and of being responsible for the missing of a large number of sale certificates from office.
24	Ershad Hossain, Clerk, Deganga.	27th December, 1938.	Transferred to Cossipore-Dum Dum *vice* Jasimuddin Ahmed (No. 23 in the list).

Communal tensions.

39. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether it is a fact that in Bhola in the district of Barisal a great communal tension is now going on;

(*b*) whether it is a fact that maulvis are preaching non-co-operation with the Hindus and that as a result Muhammadans were picketing the Hindu shops in Bhola and its neighbourhood during February and March, 1939;

(*c*) whether it is a fact that for the purpose of a compromise several meetings of Hindu and Moslem leaders were held in the Subdivisional Officer's bungalow but with no satisfactory results;

(*d*) whether it is a fact that within 15 miles of Bhola in Kaliganj Bazar, the head of goddess Kali was removed and destroyed by some Moslem rogues and whether it is a fact that at Khayerhat, 12 or 13 miles from Bhola, another Kali image was removed from its place and brought outside and left with a cow's head by its side;

(*e*) whether it is a fact that Mr. E. N. Blandy, now Secretary to the Government of Bengal, since 10 or 12 years back, while he was in charge of the district, settled the dispute of music before mosque at Bhola between the Hindus and Muhammadans and as a result, music was allowed, except before two mosques known there to both the communities and that Muhammadans at the instigation of some maulvis are now insisting upon stoppage of music before all *musjids* at all times at Bhola;

(*f*) whether it is a fact that, as a result, this year's Saraswati image was not allowed to pass through and that the Subdivisional Officer and the police had to intervene to allow the procession with the image to pass through; and

(*g*) what steps Government has taken or intend to take to prevent these communal outbursts and to protect the rights of Hindus to carry on trade without molestation and to observe religious observances without interference by the Muhammadans?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No.

(*b*) Except that a few youths picketed some shops in Bhola for 2 or 3 days in February, there is no substance in the suggestion.

(*c*) As there was at that time some feeling between the communities, several meetings of the leaders were held with the result that undertakings were given which I have every hope will ensure harmony.

(*d*) Information to that effect was laid with the police but investigation has so far failed to reveal the culprits.

(*e*) I am aware of a settlement made some years ago by Mr. Blandy. My information is that the request of Muslims is simply that their timings for prayers should be respected.

(*f*) A procession playing music before a mosque in which prayer was in progress was held up and the Subdivisional Officer intervened and secured its passage.

(*g*) The local officers have received and will receive full support of Government in their efforts to promote harmonious contact between

the leaders and to secure to members of all communities the right to proceed in peaceful processions whether such right is threatened on political or on religious grounds.

Mr. LALIT CHANDRA DAS: Sir, in view of the answer which has been given by the Hon'ble Minister with regard to answer (*b*) to (*g*), will the Hon'ble Minister be pleased to state whether the answer to (*a*) should not have been "yes" instead of "no."?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I stand by my answer.

Mr. LALIT CHANDRA DAS: With reference to (*e*), the answer given is, "I am aware of a settlement made some years ago by Mr. Blandy. My information is that the request of Muslims is simply that their timings for prayer should be respected." Is it only with reference to the two mosques that the settlement was made some time ago by Mr. Blandy or with reference to all mosques at prayer times?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as times for prayers are concerned, for all mosques.

Mr. LALIT CHANDRA DAS: Was not the settlement made by Mr. Blandy to the effect that only before those two mosques silence should be observed at prayer time?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think it is rather the other way about. So far as these two mosques are concerned, silence was to be observed before them at all times and in respect of other mosques, at prayer times only.

40. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Is the Hon'ble Minister in charge of the Home Department aware of the fact that for the last one year riots are occurring frequently between the Hindus and Moslems in the Narail and Magura subdivisions in the district of Jessore? If so, has the Government enquired into the causes of these riots and the material losses that each side has incurred as a result of these riots?

(*b*) Is the Hon'ble Minister aware of the fact that mollahs and maulvis have been regularly preaching to the Moslems publicly in the markets of Mithapur, Arenda, Sikhali, Brahmandanga, Saraspur, Maizpara and Singha in the subdivision of Narail and Kalugunj, Nohata,

Bungati, Pulum and Palita in the subdivision of Magura to the effect that they have regained the Muslim *raj* and that it was now proper time to try to carry on a systematic campaign against the Hindus?

(c) If the replies to (*a*) and (*b*) are in the affirmative, what steps does the Government propose to take to suppress these communal outbreaks and outbursts?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The answer to the first part is in the negative; the second does not, therefore, arise.

(*b*) No.

(*c*) Does not arise.

Railway accident at the Majdia station.

41. Khan Bahadur Maulvi MOHAMMAD IBRAHIM: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that there was a railway accident at the Majdia station on the Eastern Bengal Railway on the 17th April, 1939, at about 3 a.m.?

(*b*) If so, what is the total number of persons wounded and what is the number of deaths caused by the accident?

(*c*) Does the Government contemplate to hold a sifting independent inquiry by a mixed body of official and non-official gentlemen representing different communities?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) Yes.

(*b*) The total number of persons wounded and dead are 41 and 35 respectively.

(*c*) No. An investigation is being made by the Senior Inspector of Railways.

42. Rai Bahadur SURENDRA NARAYAN SINHA: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that a serious train accident in which the Down Dacca Mail and the Down North Bengal Express of the Eastern Bengal Railway, were involved, took place at Majdia station?

(*b*) If the answer to clause (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state how many men were killed and how many injured?

(*c*) Will the Hon'ble Minister be pleased to state the condition of the injured persons and what arrangement the Government has made for their treatment?

(*d*) Will the Hon'ble Minister be pleased to state whether any list has been prepared of the persons killed and injured with their names and addresses?

(*e*) Has the Government asked the Government of India to make enquiry into the causes how the accident occurred and who are mainly responsible for that and what step will the Government take to punish the guilty persons?

(*f*) Is the Government aware whether the Railway is giving adequate compensation to the family members of the deceased and injured persons?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) It is reported by the Railway Administration that 31 persons were killed and 45 injured. Four of the injured died subsequently, making the total of the killed 35.

(*c*) All the seriously injured were either taken to the Medical College or to the Campbell Hospital by the Railway Administration. At present, all save one are reported by the hospital authorities concerned to be progressing favourably.

(*d*) Yes, except as regards the nine dead who remained unidentified.

(*e*) An enquiry is being made by the Senior Government Inspector of Railways, Circle No. II; the hon'ble member will no doubt agree that the question of punishment cannot be considered until the responsibility for the accident has been determined.

(*f*) I presume that claims for compensation will be duly considered.

Mr. PRESIDENT: Mr. Das, you wanted to rise on a point of information. What is it about?

Mr. LALIT CHANDRA DAS: Thank you, Sir. My point is this. One seat, namely, the seat of the Maharaja of Santosh is now vacant owing to the lamentable death of the Maharaja. Is it going to be filled up? If so, when? There are no arrangements made about it yet, and we know nothing in the matter.

The Hon'ble Khwaja Sir NAZIMUDDIN: There is a short notice question on this point and I propose to answer that question to-morrow. That I think will meet the point raised by the hon'ble member.

Mr. PRESIDENT: Are you satisfied with this information, Mr. Das?

Mr. LALIT CHANDRA DAS: No, Sir, I am not satisfied, but as the Hon'ble Minister says that a short notice question on this point will be answered to-morrow, I rest content for the time being.

May I speak on the point of order raised yesterday in connection with the Bengal Finance Bill?

Mr. PRESIDENT: Yes.

GOVERNMENT BILL.

The Bengal Finance Bill, 1939.

Mr. LALIT CHANDRA DAS: Sir, undoubtedly the Provincial Government has got the right to levy a tax on professions, trades, callings or employments, but it appears from the Bill that the heading is on forms where arrangements are necessary to make additions to the revenue of Bengal, and that for the purpose of imposing a tax upon trades, callings, etc. So far so good. There is no defect there. Then, Sir, I desire to say that it is one thing to levy a tax on trades, professions, etc., and it is quite another thing to levy a tax on the earnings from trades, callings, professions and employments. The moment a tax is laid on earnings, it goes to the Federal List, and to List I of the 7th Schedule, item 54. Therefore, it will come under section 100 of the Government of India Act. Now, Sir, I would like to illustrate the difference between a tax on professions, trades, etc., and a tax on earnings from professions, callings, etc. Suppose, Sir, a medical man has an extensive practice and earns Rs. 2,000 a year and over, and this earning was in respect of the preceding year. Then certainly, under this Bill, he shall have to pay a tax of Rs. 30. Now, B, another medical man, following the same profession has an earning of Rs. 1,899, that is, below Rs. 2,000, and his earning was the same also in the preceding year. Then according to this Act he shall not have to pay this tax of Rs. 30. This means that, you are not taxing the earnings of both of them, although both of them are following the same profession. A and B follow the same profession, but while A who earns Rs. 2,000 and above, and earned that amount in the preceding year, is taxed Rs. 30, B who follows the same profession, but who earns below Rs. 2,000 is not taxed under this Bill, and has not got to pay anything. Therefore, it is clear that the tax is not on profession but is really on earnings. Now, Sir, I will go further and argue that we cannot exempt anybody when you impose a tax on professions, callings, etc. And arguments were advanced

by Khan Bahadur Ataur Rahman and also by Mr. Kader Baksh and vehemently supported by the Finance Minister to the effect that they had made a distinction, namely, they had exempted persons whose earnings are below Rs. 2,000 a year. I say, Sir, my argument is that you have no right to exempt anybody—the moment you exempt or give exemption, the very exemption is proof positive that you are taxing not the professions, trades, or employments....., etc., but you are really taxing the earnings therefrom. I say we have got an undoubted right to tax professions, trades, etc. Therefore, all persons whether their income is great or small, high or low, will be taxed. The tax may not be uniform, but the moment you tax a profession, you tax persons who follow certain trades, callings, etc. You cannot make this exemption, because you are taxing the professions, callings, etc., although I concede that you can remit and write off the charges, if unrealised. It will fall as a licence tax on the profession, trade, calling, etc. But whenever there will be a Finance Bill taxing a trade, calling or employment, you cannot exempt anybody. You can at best write off the dues from him as unrealisable, but that is different. The moment you tax earnings, the case is different. Item No. 54 would come into operation—taxes on income other than agricultural income. And here the tax being on a man's earnings from professions, trades or callings, a tax on income is imposed. Sir, the wording in clause 3 is clear beyond any reasonable shadow of doubt. Here, every person who will be taxed, will be a person who was assessed to income-tax under the Income Tax Act of 1922 in the preceding financial year in respect of earnings of any profession, trade, callings or employment. There has not been any hiding of the fact that really the tax has been upon earnings, and the tax has not been upon professions, trades, callings and employments. The moment the tax is upon the earnings, it goes under the Federal List and falls under item 54 of List I of the 7th Schedule, and therefore will be governed by section 100 of the Government of India Act.

Now, Sir, it has been argued by the Hon'ble Khwaja Sir Nazimuddin that after all it is a lump tax, and there is no such thing as sliding scale as in income-tax. I submit, Sir, it is not the graduated scale in the income-tax that makes the difference. Income-tax is applied not on the rates, but on the actual earnings. Now it is Rs. 2,000; the law may be varied, it may be upon Rs. 1,000, and it may be upon Rs. 500 or even upon Rs. 5,000. The sliding scale may not be there. It depends upon the kind of legislation passed by the Central Government. A lump tax may be imposed even under the income-tax. It all depends on the nature of the law that is passed. But in the income-tax, really the tax will be levied on the earnings of a person. But here, the power which has been given to the Provincial

Government is to tax not the earnings, but the profession, trade, calling and employment. Here, once you go to tax professions, trades and employments, you can make no exception. All alike will come under the category and will have to pay the tax. At the most you can only write off whenever a certain person is unable to pay, but there cannot be any exemption when you go to tax trade, calling, profession and employment. It will be a licence tax. So, Sir, my humble submission before the House is that this Bill falls under the mischief of item No. 54 of List I and therefore is a Federal subject. After all, it will be seen, Sir, that the earnings of the income-tax are being taken away by the Government of India and sufficient return is not being given. That is felt by the present Ministry. Large amount is being drained off from Bengal but equitable return is not being received by us.

Mr. PRESIDENT: Order, order. You are now speaking on the merits of the measure. That is not before the House just now.

Mr. BANKIM CHANDRA DATTA: I shall also be brief, Sir. The only point is this. Is this a tax on profession or on the income of a particular man of that profession? If it is a tax on his earnings or on his income, then admittedly it is a tax on income and as such it is *ultra vires*, and we have no jurisdiction to deal with the Bill. Sir, to examine the point, I shall use the very illustration which was given last evening by the Hon'ble Home Minister, Sir Nazimuddin.

Mr. PRESIDENT: Order, order. Mr. Dutt knows that this issue arising out of the point of order was discussed for a couple of hours yesterday. Unless he can make a new point, it is no use repeating the points that have been discussed threadbare.

Mr. BANKIM CHANDRA DATTA: Sir, I will not repeat but I will only ask the House to examine that illustration, and the only answer will be that it is a veiled attempt to tax the income.

Mr. PRESIDENT: It is no use convincing him. You are to convince the Chair. In a point of order, the President alone has to decide. It is not necessary for you to refute Sir Nazimuddin's argument.

Mr. BANKIM CHANDRA DATTA: Sir, he has on that illustration advanced a particular argument. I want to show that he was wrong. The example he cited was that of a doctor who had an extensive practice——

Mr. PRESIDENT: As I have said, perhaps that illustration might have made no impression at all on me. If you have any new point, please place it before me for my consideration.

Mr. BANKIM CHANDRA DATTA: My attempt will be to show that he was wrong in his contention.

Mr. PRESIDENT: You will not be required to give any decision here.

Mr. BANKIM CHANDRA DATTA: Very well, Sir. He made a very great point.

Mr. PRESIDENT: Again you are drifting away. Have you anything to say on the point of order as to whether it is *ultra vires* or *intra vires* of this Legislature? That is the only point before the House at present.

Mr. BANKIM CHANDRA DATTA: Sir, if it was a tax on the doctor whether he earns or not, then it was a tax on profession, and surely the doctor whether he earns anything or not, will have to pay. But here it is not so; for, even if he does not earn anything from his profession, but earns something outside the profession, then he is taxed; then he is hit by this Bill. Therefore, Sir, it is really a tax not on the profession but on his income.

Then, Sir, the other argument that was advanced was that inasmuch as it was not a graduated tax, it could not be called an income-tax. Sir, it is a distinction without any difference. The term "graduation" is a relative term. In the case of the Income Tax Act, there may be a number of graduations, but in this Bill there are only two graduations. One is in respect of a man earning less than Rs. 2,000 a year; and the other graduation is in respect of an income above Rs. 2,000. In this Bill there are only two graduations, whereas in the Income Tax Act there are a number of graduations. The analogy is complete in all other respects between this Bill and the Income Tax Act and both speak of the same minimum. Therefore, Sir, they are, in effect, trying to amend the Income Tax Act which I am afraid they cannot do. The Bill is, therefore, in my opinion, *ultra vires* and outside the jurisdiction of this Legislature.

Mr. KAMINI KUMAR DUTTA: Sir, I will not repeat the points which have already been made out. Though I was not present yesterday, I have taken the trouble to learn from my friends what points have been argued, but it seems to me I may add a point which may help the Chair in coming to a decision on this matter. It appears,

according to the measure which is attempted to be enacted, the operation of the Bill will be absolutely dependent upon another Act of the Central Legislature, namely, the Income Tax Act. Let us suppose a contingency in which if the Central Legislature would suspend the operation of the Income Tax Act for some reason. What would then happen to this Act? I submit it would be absolutely put in abeyance, and would be inoperative, not because of any incapacity on the part of this House, but because the measure is going to be enacted in a manner making it absolutely dependent upon some other enactment passed elsewhere. A contingency like this is calculated to frustrate the very spirit of section 100 of the Government of India Act. In clause 1 of section 100 it is said that as to List 1 it is only the Federal Legislature which has jurisdiction and the Provincial has not, while sub-clause (3) at the same time says that as to List 2 the Provincial Legislature has jurisdiction and the Federal has not. Apparently, the underlying spirit of section 100 is to provide for autonomous independent power in the case both of the Federal Legislature and the Provincial Legislature to enact laws without depending at all upon the will or the desire of any other body. But this measure, as attempted to be enacted, is entirely dependent upon what may happen with respect to the operation of the Income Tax Act. So, that reveals the true spirit of the proposed Bill and as such, I submit, it will not really deal with a matter falling within List 2, but it is really a matter falling within List 1 only coming under the garb of List 2.

Then, I would like to draw the attention of the Chair to another expression used in clause (1) of section 100. The expression is this: "Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and the Provincial Legislature has not, the power to make laws with respect to any of the matters." The expression used is "with respect to" and indeed I find that in some of the matters going before the Canadian Courts, because these matters do really come in respect of countries where there is a Federal Constitution——

Mr. PRESIDENT: There crops up a conflict between the Federal and the Provincial jurisdiction.

Mr. KAMINI KUMAR DUTTA: So, generally we find these rulings coming from Canada and other colonial countries and there this expression has been interpreted. "With respect to" is not an expression of enlargement, but an indication that it is to be interpreted in a very narrow, limited sense. The very fact that in section 100, the expression "with respect to these matters," has been used, seems in my opinion to suggest that it should be very strictly construed and

unless the proposed levy comes strictly within the purview of List II, actually the power of the Legislature is not to be extended in that manner.

Mr. PRESIDENT: In Canada they have an additional advantage. In case of interpretation, the Legislature refers these matters to the Supreme Court there and awaits its decision thereon. Unfortunately, here we cannot do so.

Mr. KAMINI KUMAR DUTTA: We are not in that position. However, we may refer to the interpretation given by the Supreme Court in Canada to this very expression. There it has been held that the expression "with regard to" is not an expression of enlargement but only an indication that it should be interpreted in a very narrow and limited manner. So, what I say is that if the present Bill is enacted, it will depend entirely upon another Act of another Legislature, and every Act is to be understood in its affirmative manner.

Mr. PRESIDENT: You have noticed that though it is true that the framers of the Constitution Act have tried their best to make the two lists exclusive as far as practicable according to human intelligence, yet they had had to say in section 100 so far as clause (*1*) is concerned, as follows: "Notwithstanding anything in the succeeding sub-clause (*3*)," and again they say, "Subject to what has been said already." That only shows that human ingenuity may fail to make the list exhaustive or to avoid all conflict and overlapping.

Mr. KAMINI KUMAR DUTTA: I bow to the dictum of the Chair that human ingenuity canot overcome or anticipate all contingencies, otherwise no law would have to be changed. It is in the operation of the law that practical difficulties arise. So, I will not dilate any further on this matter. I say that every Act has to be interpreted in a positive and affirmative manner. In the Bill as drafted here, it seems that exemption has not been provided for; it is to be found only in the Statement of Objects and Reasons given for this Bill that the clause regarding exemption has been amplified, but in the Bill itself there is no clause regarding exemption. Under all these circumstances, I am of opinion that it is a positive affirmative Bill the basis of which is income-tax. So, I say the Bill is *ultra vires* of the Provincial Legislature.

Dr. RADHA KUMUD MOOKERJI: May I speak on the point of order?

Mr. PRESIDENT: You spoke sufficiently long on this point of order yesterday.

Dr. RADHA KUMUD MOOKERJI: Sir, I have just discovered a new point and would like to place it before the House.

The Hon'ble Mr. NALINI RANJAN SARKER: A Columbus indeed!

Dr. RADHA KUMUD MOOKERJI: The new point that has struck me is this: I find that really the Taxation Bill amounts to an Income Tax Bill and for this reason: Supposing that the taxable minimum is Rs. 2,000 and then I think that this Rs. 30 will really operate as a surtax. Supposing the State of Russia promulgates a law that above a certain taxable minimum, all citizens should be subjected to a uniform income-tax which need not on principle be a graduated tax. Therefore, I say that this uniform surtax is almost like an income-tax. Of course, in the case of Bengal we find that while other provinces have been let off in this matter, we are here pursuing for purposes of this taxation all conceivable means of livelihood which are enumerated within these four words "trades, professions, callings or employments". I do not know whether there is any other sphere in which livelihood can be earned: Thus, this tax is not confined to any particular sphere, but embraces all spheres of earning like the income-tax. So, I say that every income-tax paying citizen in Bengal will be liable to this tax which is really a surtax, because it is being added to a tax that is payable on the basis of a taxable minimum, and not on any other ground such as pursuit of a profession or calling by itself.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, first of all, I will not take up much time of the House because the matter has been discussed threadbare and I shall submit for your consideration the point of view of the Government. Sir, I am surprised at the amazing attitude taken up by members of the Congress Party. They always make a grievance that the Provincial Legislature has not got sufficient power. They want to extend the power of the Legislature but when under the Act we want to make use of some power, they will raise all sorts of obstacles——

Mr. PRESIDENT: Order, order. That is not the case.

Mr. LALIT CHANDRA DAS: We object to this expression from this side of the House.

Mr. PRESIDENT: The other side may say that if the Legislature passes a Bill which it is not competent to pass and you go on levying a tax under it and ultimately it is found to be *ultra vires* by the Federal Court, then the Government will be liable to make a refund of all the sums realised—a contingency which would disorganise the entire budgetary arrangements.

The Hon'ble Mr. NALINI RANJAN SARKER: Quite true, Sir, but it would be true if it were an obviously illegal thing. The United Provinces Government, which is a Congress Government, has introduced a Bill like this. The Central Provinces Government have already passed a Bill, namely, Emoluments Tax Act, and they are realising a tax on professions. The Central Provinces Government is also a Congress Government, Sir.

Mr. PRESIDENT: The same answer will hold good here that two wrongs will not make one right. If they were wrong, there would be no justification for you also to pass a legislation on the lines of their Bill or Act.

The Hon'ble Mr. NALINI RANJAN SARKER: But, Sir, that is taking a very narrow view.

Mr. PRESIDENT: As I have said, you will have enough opportunity to answer this point when the main provisions of the Bill will come up for discussion. Now you are to confine yourself to a very narrow issue, namely, as to whether this Bill is *intra vires or ultra vires*. So, please confine yourself to this point. You can answer other subsidiary points when the Bill will be discussed clause by clause.

The Hon'ble Mr. NALINI RANJAN SARKER: I did not get protection when foolish accusations were made on the floor of the House.

(Cries of "Foolish is not a Parliamentary word.")

Mr. PRESIDENT: I think, Mr. Sarker, you had better withdraw the word.

The Hon'ble Mr. NALINI RANJAN SARKER: All right, Sir, although I think that the word "foolish" is perfectly Parliamentary. If the other side can ascribe motives and say that our motives were dishonest——.

Mr. PRESIDENT: Order, order. No member will be allowed to impute any motive to any member.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, Dr. Radha Kumud Mookerji did so in his speech yesterday.

Dr. RADHA KUMUD MOOKERJI: I did not impute any motive, Sir. The hon'ble gentleman has perhaps not been able to understand the fine shades of my English.

The Hon'ble Mr. NALINI RANJAN SARKER: I quite appreciate the argument of the leader of the Congress Party. Every member of the House knows how the Congress Party works.

Dr. RADHA KUMUD MOOKERJI: Sir, I invoke the protection of the Chair.

Mr. PRESIDENT: Order, order. You cannot make any speech as the Hon'ble Minister is not giving way.

The Hon'ble Mr. NALINI RANJAN SARKER: We are advised and the Government of India also agree that the test of an income-tax is as follows:—

> "Where the tax has been imposed for the purpose of an assessment which otherwise exceeds, in whole or in part, the tax for declaration of income by him, it should be regarded as a tax upon income, and as falling within the Federal Legislature and outside the Provincial Legislative List."

I submit, Sir, that the tax proposed in this Bill is not an income-tax, because the base of this tax is not income, but a person, namely, persons who are in trade, profession, calling or employment. If merely because the word "income-tax" has been added in some of the sections of this Bill, it is at once taken to be in the Federal List, then I say that income-tax also can by interpretation be taken into the Provincial List. Because under section 6 of the Income Tax Act, income-tax is levied on income from trade, profession, calling, etc. So, it is an indirect tax on profession, trade or calling. Therefore, we can suggest that the Government of India are not authorised to have a tax on trades, professions and callings. Merely because we have used the word income-tax, that fact will not preclude us from having a tax on trade, calling and employment. As I said yesterday, the income-tax is accidental. We are competent to tax the whole group of persons engaged in trade, profession, employment or calling.

Mr. PRESIDENT: Mr. Sarker, you are also repeating the same argument. If you have any new point please state that; otherwise leave the matter, because the matter has been discussed threadbare already.

The Hon'ble Mr. NALINI RANJAN SARKER: Government have not yet stated their point of view on this point of order. That is why I am repeating that it is not a tax on income, and the Government of

India also have accepted in correspondence our point of view. Besides, we have also been advised by the Advocate-General that he has no doubt in his mind that this tax is *intra vires* of the Provincial Legislature.

Much has been said, Sir, about section 100 of the Government of India Act, 1935, about overlapping, but in the recent Sales Tax Act which came up before the Federal Court, it has been laid down in the judgment of the Hon'ble the Chief Justice and Mr. Justice Jayakar, that this substantive clause should operate only as a last resort. The courts should try to make adjustments so that both sections can operate. I say that both sections can operate and Mr. Jayakar said that both Excise and the Sales tax may be levied on the same commodity, at the same time. That is the judgment in the Sales tax case. Here also both the income-tax and the professional tax can be levied on the same person at the same time. Then it will not come under the mischief of section 100. Last of all, I want to appeal to you and crave your indulgence to state that if you rule that this Bill is illegal——

Mr. LALIT CHANDRA DAS: Is it within the point of order of yesterday that the Hon'ble Minister is speaking?

Mr. PRESIDENT: Yes, he is speaking on the point of order.

Mr. LALIT CHANDRA DAS: May be so, Sir, but is it relevant to make an appeal like that to the Chair?

Mr. PRESIDENT: Yes, he is relevant.

Mr. RANAJIT PAL CHOUDHURI: Can he presume anything?

The Hon'ble Mr. NALINI RANJAN SARKER: If you hold this Bill to be *ultra vires*, I want to put before you, with your permission, that there will be this difficulty that against the ruling of the Hon'ble President or the Speaker there is no appeal.

Mr. BANKIM CHANDRA DATTA: Take it to the Federal Court.

The Hon'ble Mr. NALINI RANJAN SARKER: Well, that is the attitude of the Congress Party, I know.

Sir, there should not be any confusion about the base of the tax and the source or incidence from which the tax is paid. Every tax in fact is paid out of income, but having classified the tax, I say that the base is the trade, profession or calling and not the income; because we are not going to investigate into his income, we will only find out a category of persons who pay income-tax, whether it is Rs. 2,000 or Rs. 5,000. We do not know the persons who are paying the tax, but

we are only levying the tax on certain classes of professions. Mr. Kamini Kumar Dutta has contended that as it is dependent to a certain extent on the operations of the Income Tax Act, when the Income Tax Act is suspended, this Act will not be operative. Perfectly true, Sir. Then we shall have to devise other means for levying this tax and realising it. Now that we have got a handy machinery, we shall have recourse to it.

The Hon'ble the President's Ruling.

Mr. PRESIDENT: A point of order has been raised by the Raja Bahadur of Nashipur that the Provincial Legislature is not competent to take into consideration the Bengal Finance Bill, 1939. He advanced amongst other arguments the following four points:—

(1) That item 46 in the Provincial List of the 7th Schedule to the Government of India Act, 1935, empowers the Provincial Legislature to tax the trades, professions, callings and employments and not to levy any tax on the incomes from those sources.

(2) That the Government of India in levying a tax on income is already taxing the incomes derived from those sources.

(3) That the provincial Government has a right to tax those professions, in the form of licence fees or in any other forms.

(4) That clause 3 of the Bill, as worded, really levies a tax on income from those persons who pursue trades, professions, callings and employments.

The contention of the Government is that under item 46 of the Provincial List No. 11 of the 7th Schedule to the Government of India Act, 1935, they have been given the power to tax trades, professions, callings and employments and in the present Bill they desire to exercise the right conferred on them by the Constitution Act. They further claim that they have a right to make exemptions in favour of any person or classes of persons who are least able to bear the burden of taxation. The consideration that led the Government of India to exempt certain classes of persons from the burden of the income-tax might have also induced the Provincial Government to exempt from the operation of the present measure the same class of persons who, in their opinion, are least able to bear the burden of direct taxation. They, however, feel that a tax on trades, professions, callings and employments may fall on the earnings from the pursuits of these professions.

In the course of the discussion of this point of order, Mr. Laidlaw representing the views of the European Group stated that the present

proposal "comes perilously near to an infringement of the Central preserve of taxes on incomes." From the argument advanced by the Government it cannot be denied that the liability to the payment of the tax has been made dependable on the income earned from the professions, trades, callings and employments. It has therefore been argued that unless a person has any income from those pursuits, he is not liable to pay the tax. It therefore appears that the tax though apparently levied on the pursuits of trades, professions, callings and employments, is a tax on the incomes derived from those pursuits and other sources. Anticipating that there may be cases of overlapping or conflict between the Provincial List and the Federal List, section 100 of the Government of India Act, 1935, specifically provides that in case of such conflict the rights of the Federal Legislature shall prevail. The very fact that the framers of the Government of India Act, 1935, made provision for two exclusive lists, one for being legislated upon by the Federal Legislature and the other by the Provincial Legislature makes it clear that the right of taxation on trades, professions, callings and employments is definitely a matter for the Provincial Legislature to legislate on. Therefore, the statute should be interpreted in a way by which the province should not be deprived of their rights so definitely given. It is contended, however, on the other hand by the Opposition that whatever device may be adopted, if the tax is a tax on income, the Provincial Legislature can have no jurisdiction to legislate on such matters. There should be a real distinction between the tax on trades, professions, callings and employments and a tax on the income and earnings from those pursuits.

The difficulty of differentiation between a licence tax and an income-tax has an old history. In the early sixties of the 19th century, in India there was in the provinces a licence tax which took the shape of a 2 per cent. levy on the income of the trading classes. When necessity arose for further taxation, the question of imposing an income-tax was mooted and then it was found that the new tax may be a double tax on the same class of tax-payers.

Referring to Dr. J. P. Niyogi's book on "The Evolution of the Indian Income Tax" at page 95, I find that he says, "strictly speaking, the charge imposed was not a licence tax in the ordinary sense of the term. For a licence tax, properly so called, prohibits the carrying on of any occupation, unless and until the tax is paid; and admits of no exemption of income. As soon as the principle of exemption of a minimum income was introduced, the tax ceased to be a licence tax and approximated to a rough income-tax. The licence tax, while it resembled an income-tax from this point of view, was marked out from a true income-tax in so far as the fund-holder, the salaried servants and professional men were exempted from its operations. It was, in fact, a hybrid tax possessing some characteristics common to both." It is

necessary for our purposes, if possible, to refer to the meaning of the word "income" in all its bearings. But referring to the same author, I find that it was not possible for practical purposes to define the term "income." He says, "Everyone has a rough idea of what is meant by income. But this popular concept is hardly of any use to Government for the purpose of the levying of income-tax. The concept of income in order to be of practical utility must be precise, clear-cut and also suitable from the administrative standpoint. Economists have from time to time come forward with definitions and economic analysis of the concept of income, but these are generally unsuitable for income-tax purposes. To take one instance, Professor Fisher defines "income" as a "flow of services through a period of time." Admirable as this definition is from the point of view of economic analysis, Professor Fisher himself admits that it lacks the definiteness which the legislator, the revenue authorities, the accountant and the judge must aim at, if the law of income-tax is to be rightly formulated and interpreted. Further on he says, "A few years ago, Professor Felix Flugel made an examination of the income-tax laws of various countries and came to the conclusion that in them a definition of income is not to be found. The Indian income-tax law is no exception to this statement."

It is therefore very difficult to come to a definite conclusion as to where the connotation of licence tax ceases and that of income-tax begins.

If clause 3 of the Bill is analysed, it will be found that three conditions will have to be satisfied before a person is subjected to this tax: (*a*) he must follow a profession, trade, calling or employment; (*b*) he must have some income or earning from any of those pursuits; (*c*) his total income must be assessable under the Indian Income Tax Act. So far as the first condition is concerned, item 46 of the Provincial List clearly gives the Provincial Government the power to legislate. The difficulty is about the other two conditions which relate to income from those pursuits. The imposition of the tax necessarily demands the fulfilment of the other two conditions also. The very fact that a person shall be subjected to the proposed tax whose total income is assessable under the Income Tax Act, however meagre his income may be from any of these pursuits, seems to bring it under the category of a tax on income.

I have given my anxious thoughts to the various points raised in this connection and I feel that the question is full of difficulties and doubts. In this connection, a very helpful suggestion has been made by Mr. Ormond that a reference might be made to the Government of India under section 213 of the Government of India Act, 1935, requesting them to obtain the opinion of the Federal Court. He further suggested that under sub-clause (*iii*) of clause 1 of the present Bill, the Bengal Government should not fix a date for the enforcement of this

measure till the opinion of the Federal Court is obtained. If this course is not adopted, the result may be that after the passing of this Act, suits may be filed by aggrieved and interested persons to declare the Act as *ultra vires* of the Provincial Legislature. Such suits will take a much longer period than a reference under section 213 of the Government of India Act, 1935, and if the Court's finding is ultimately against the Provincial Government, a large sum of money will have to be refunded, thus upsetting the budgetary arrangement of the Government.

As doubts have arisen in my mind about the point at issue, I should not give my ruling in such a way that the progress of the measure might be arrested. I have therefore come to the conclusion that unless I am absolutely certain in my mind about the measure being *ultra vires*, I should not, by a ruling of mine, restrict the powers of this Legislature. As I have already stated that the matter is not free from doubt, I direct that the Bill be proceeded with.

Motion moved that the Bill be taken into consideration.

Mr. HUMAYUN KABIR: Cannot we at this stage move the motion for circulation? Will they not come in at this stage?

Mr. PRESIDENT: Yes, both for circulation and Select Committee. No. 1 from Mr. Das is out of order; No. 2 you can move, Mr. Lalit Chandra Das.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th July, 1939.

Sir, the object for which it is intended to make an addition to the revenues of Bengal has not been made clear. Increase for the sake of increase is unjustifiable. If you want money, you must say why you do so. The money may be wasted in pleasant excursions to the hills or for creation of unwanted posts. Has it anywhere been seriously stated that the money secured by this new taxation measure will be ear-marked for any specific nation-building subjects, as for example primary education? If you want money, you must give us a programme. In the absence of it, you have no justification to add to the revenues of Bengal by fresh taxation. If the claim that Bengal is now governed according to the wishes of the people is not a mere pretence, this Bill ought to be submitted for the opinion of the people as to what they think about it, whether it is necessary and if so how, in what way, money is to be raised and for what purpose? Not that we are opposed to any addition to the revenues of Bengal. Here, you tax

all professions, trades, callings and employments. What justification have you to tax the rich and the poor alike? Ungraduated tax is monstrous, it is immoral, to say the least of it. In earlier Budget speeches, the Finance Minister hinted about taxing the luxuries of the rich. This was understandable. But how can you justify an earner of Rs. 2,000 who can hardly make two ends meet being taxed equally with an earner of Rs. 5,000 a year and make them pay equally? While a tax on Rs. 5,000 and over will be taxing luxury, a tax on Rs. 2,000 will be taxing the very necessaries of life. The point is so patent that it needs no illustration. If we are to be democratically governed, public opinion ought to be elicited as to how they take to the imposition of an ungraduated tax. Sreejut Govind Ballav Pant saw through the inequity of it. He made the tax a graduated one in the United Provinces and the language of his Bill is different from the one which is used in this Bill. A graduated tax ought not to be wholly unthinkable to a Ministry which to virtue tends, but it may be a matter of jolly indifference to another Ministry which flouts or delights in flouting public opinion. Just think to what misery whole Bengal is now put as the result of the operation of the Debt Settlement Boards and other Acts. Yet those people who have been severely affected by them will now be called upon to pay this tax. For, every person following professions, trades callings and employments excepting, of course, Government employees have been very severely affected. Sir, it is a Bill which loudly calls for circulation for eliciting public opinion. You have given us no programme yet. An addition to the Government's revenue may wait till public opinion on the Bill is ascertained by the 30th July next and we also get a programme. Stars will not refuse to move; and Heavens will not fall if a slight delay is made. Sir, I move for circulation.

Mr. PRESIDENT: Amendment moved that the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st July, 1939.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this motion. It is not usual to send Finance Bills for circulation. So, I oppose the motion. In regard to the other grounds urged by Mr. Das, I will give my reply at the time of the discussion of the relevant clauses.

Mr. PRESIDENT: The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th of July, 1939.

The amendment was negatived.

Mr. HUMAYUN KABIR: Sir, I beg to move that the Bill be referred to a Select Committee consisting of:—

(1) the Hon'ble Mr. Nalini Ranjan Sarker, Minister-in-charge of the Finance Department,

(2) Mr. Kamini Kumar Dutta,

(3) Dr. Radha Kumud Mookerji,

(4) Rai Surendra Narayan Sinha Bahadur,

(5) Mr. D. J. Cohen,

(6) Khan Bahadur Ataur Rahman,

(7) Mr. Nur Ahmed,

(8) Khan Bahadur Shaikh Muhammad Jan, and

(9) the mover,

with instructions to consider, among other things, the following points:—

(*a*) the redrafting of the Bill in order to distribute the incidence of the tax with reference to the capacity of payment of the taxed, on the lines of a similar Bill in the United Provinces Legislature, and

(*b*) the ear-marking of the amount so realised for the purpose of introducing free compulsory primary education in the province;

and to submit their report by the 31st of May, 1939, the number of members necessary to constitute a quorum being four.

Sir, I do not think that many words are necessary in support of this motion for a Select Committee which I have moved. I want to make it clear that I am generally in sympathy with the principles of the Bill which has been introduced by the Hon'ble Finance Minister and that is why when there was a discussion on the point of order yesterday, I suggested that only certain drafting amendments were necessary in the Bill. Otherwise, this Legislature had the power of legislating on this particular matter. Only certain drafting amendments would make it more clear and if there was any doubt about the competence of this House to discuss this Bill, it was only on account of the drafting. Now, the point which has been suggested by Mr. Lalit Chandra Das in his speech to-day is the old one that whenever there is any new tax, the Legislature and the public ought to be convinced that there is occasion for it, that it is necessary, and further that this tax should be equitably distributed among the different sections of the

public. These two conditions, as he rightly pointed out, ought to be satisfied. And it is because these two conditions are not sufficiently satisfied in the present Bill that I am moving this motion for a Select Committee. Sir, in respect of the redrafting, I would suggest that it is desirable that this House should examine whether it is not possible so to redraft the Bill that the incidence of the tax may be made proportionate to the capacity of the taxed. At this point, an objection may be raised with respect to the competence of the Legislature to deal with a matter like this. But, Sir, after the very helpful suggestion made by Mr. Ormond and further corroborated by you that the Bill may be proceeded with and in the meantime a reference may be made under section 213 of the Government of India Act in order that the matter may be determined by the Federal Court whether this Legislature has the competence in this matter or not, that point does not arise. As you yourself have laid down to-day in your ruling, it is doubtful if the Bill as it is now drafted is within the competence of this Legislature. If, therefore, the matter has to be referred to the Federal Court in any case, will it not be better that we should send it to the Federal Court in a form where the demands of equity can be more adequately met?

I think that there is no difference of opinion that this Bill in its present form is an inequitous Bill. Mr. Macfarlane when he was discussing the proposals of the Finance Minister during the Budget discussion made it quite clear that it was absurd to propose that a man who was drawing Rs. 2,000 a year should have to pay the same tax as the man who was drawing Rs. 2,000 per month; on the face of it this is absurd. Therefore, if, keeping within the limits of the competence of the Legislature, we can redraft the Bill in a manner which will distribute the burden of the tax properly and equitably, I think this House should, if necessary, go a little out of its way and explore the possibilities of doing so. That is why I have suggested that the Bill be redrafted by a Select Committee so as to find out whether this provision cannot be included in the redrafted form.

Secondly, there is the question as to what will be done with the money which is so realised. I understand from the Finance Minister, when he was casually making some remarks yesterday, that he expects a sum of Rs. 12 lakhs, if I remember right, from the proceeds of this tax. If, however, it is redrafted in the way suggested by me, it may be that the figure will be higher than Rs. 12 lakhs. But even if it is not higher than Rs. 12 lakhs, then this Rs. 12 lakhs at least should be ear-marked for some particular purpose. As I have stated earlier in the course of my speech, whenever we have a new tax we want to know what is the purpose on which the proceeds of the tax will be spent. As yet we have got no definite scheme, and no definite programme; no framing of any particular principle or undertaking in terms of which

the proceeds will be spent. I have, therefore, suggested that this Bill be redrafted by a Select Committee in order to provide in the Bill itself that the money so realised should be earmarked for a particular purpose, namely, for the purpose of introducing free compulsory primary education in the province. It may be said that Rs. 12 lakhs or 15 lakhs or even 20 lakhs is not enough for solving the problem of free compulsory primary education in Bengal. Sir, that is admitted on all hands, but at the same time that is no reason why Rs. 20 lakhs should not be provided for it. In the present Budget, Government has provided, if I remember aright, the magnificent sum of Rs. 11 thousand for adult education! Well, Sir, we all criticised the extremely inadequate provision of Rs. 11 thousand for adult education for this province, but nevertheless, even Rs. 11 thousand is better than nothing and certain Rs. 12 lakhs will be far better than Rs. 11 thousand. And if we refer to the provision for primary education in the present Budget we shall find that Rs. 12 lakhs will mean an appreciable increase in the amount provided for the primary education of the province. Further, I have suggested the figure can be increased by making it more equitable and by distributing the burden of the tax. By imposing greater burdens upon those who have the capacity, we may increase the amount and in that way the cause of primary education will be still further advanced. Therefore, I beg to move that the Bill be referred to a Select Committee for redrafting, keeping among other things these two objects in mind.

I will anticipate one futher argument before I close. These changes may bring us nearer to the question of the mischief of the Income Tax Act; but, as I have already pointed out, you have yourself made it clear that even in its present form the point is doubtful and a reference to the Federal Court may be necessary. Why, in the present circumstances should we not then take advantage of this doubtful position? Why not explore what was the view of the United Provinces Government when they undertook their Bill? They also, I presume, were well advised by their legal luminaries. They also must certainly have their reasons in framing their Bill in which the tax is imposed on a graduated basis? I understood from a talk from some members of the Coalition Party that the Government also are not averse to the idea of a graduated tax, but only they are nervous about whether it will not come within the mischief of the income-tax if it is made a graduated tax. If that be the only objection of the Government to make the tax a graduated one, I think we should take advantage of the present occasion and see if we cannot have a graduated tax here and now.

I want to add one word more before I sit down. The discussions that took place yesterday and also this afternoon on the point of order made one point clear, that whatever be the competence of this Legislature, there is no doubt that the Bill as it has been drafted is ambiguous; it is not a sufficiently clear Bill. There seems to be a difference

of opinion as to its interpretation in the Government Benches, and all sorts of interpretations were given with regard to clause 3 of the Bill which is really the backbone of the Bill. If any drafting amendment of this kind be required in order to avoid this ambiguity, in order to make it a more clear and unequivocal Bill, is it not far better that this redrafting should take place in the course of the proceedings of a Select Committee? Or, shall we have it on the floor of this House where all sorts of extraneous considerations, of which we had rather an unpleasant exhibition this afternoon in the exchange of words which were absolutely unnecessary between the two different sides of the House? Should it not be far better that, instead of depending on the caprice of the House —because the House is very often swayed by considerations of this type—we should refer the matter to a Select Committee, where in a cooler and calmer atmosphere we can undertake the drafting changes in the spirit in which drafting changes should be made? With these few words, Sir, I beg to move my motion.

Mr. PRESIDENT: Before I throw open the amendment for discussion, I rule that clause (*b*) is out of order. Of course, clause (*a*) is all right. The House has certainly the right to give directions to a Select Committee, but in clause (*b*) an attempt is sought to be made to have a principle accepted that the Select Committees of this House may have the right of suggesting appropriations. It is a purely Finance Bill for taxation purposes. How the money is to be spent and utilised, that is a governmental function and beyond the scope of this Bill. So, I rule that clause (*b*) of the amendment is out of order. I will only allow clause (*a*) to be moved.

Amendment moved: That the Bill be referred to a Select Committee consisting of:—

(1) the Hon'ble Mr. Nalini Ranjan Sarker, Minister-in-charge of the Finance Department,

(2) Mr. Kamini Kumar Dutta,

(3) Dr. Radha Kumud Mookerji,

(4) Rai Surendra Narayan Sinha Bahadur,

(5) Mr. D. J. Cohen,

(6) Khan Bahadur Ataur Rahman,

(7) Mr. Nur Ahmed,

(8) Khan Bahadur Shaikh Muhammad Jan, and

(9) the mover,

with instruction to consider among other things, the following point:—

the redrafting of the Bill in order to distribute the incidence of the tax with reference to the capacity of payment of the taxed, on the lines of a similar Bill in the United Provinces Legislature,

and to submit their report by the 31st of May, 1939, the number of members necessary to constitute a quorum being four.

Khan Bahadur NAZIRUDDIN AHMAD: May I rise on a point of order with regard to clause (*a*) of the amendment? I submit that this clause is beyond the scope of the Bill. The scope of the Bill amongst other things, can be obtained from the Statement of Objects and Reasons. One of the objects of this Bill is to provide an "ungraduated tax" and that is clearly and specifically laid down in the Statement of Objects and Reasons. The effect of clause (*a*) is to get rid of the ungraduated tax and to substitute therefor a graduated tax. Apart from the danger of this leading us perilously near to the danger line, it is open to the objection that it is beyond the scope of the Bill, as embodied in the Statement of Objects and Reasons.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I object to the reference of this Bill to a Select Committee. It is a very simple Bill dealing with only a few clauses which the House can discuss and settle on the floor of the House. So far as a graduated tax is concerned, I think you will realise that rich people have been very lightly treated in this Bill, but that is because of some constitutional defects. We have here taken the path of least resistance. If in the United Provinces Government case which, I am told, is now before the Federal Court, the Provincial Government get a favourable decision, I will introduce a Bill in the next session with provision for a graduated tax. But at this stage, I want to pursue the path of least resistance, to have the Bill passed in its present form.

Mr. PRESIDENT: The question before the House is that the Bill be referred to a Select Committee consisting of:—

(1) the Hon'ble Mr. Nalini Ranjan Sarker, Minister-in-charge of the Finance Department,

(2) Mr. Kamini Kumar Dutta,

(3) Dr. Radha Kumud Mookerji,

(4) Rai Surendra Narayan Sinha Bahadur,

(5) Mr. D. J. Cohen.

(6) Khan Bahadur Ataur Rahman,

(7) Mr. Nur Ahmed,

(8) Khan Bahadur Shaikh Muhammad Jan, and

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with instructions to consider among other things, the following point:—

the redrafting of the Bill in order to distribute the incidence of the tax with refernce to the capacity of payment of the taxed, on the lines of a similar Bill in the United Provinces Legislature,

and to submit their report by the 31st of May, 1939, the number of members necessary to constitute a quorum being four.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the Home is that the Bengal Finance Bill, 1939, be taken into consideration.

(The motion was agreed to.)

Clause 1.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in clause 1 of the Bill in sub-clause (*2*) for the words "the whole of Bengal" the words "city of Calcutta as defined in the Calcutta Municipal Act" be substituted.

Sir, my reason is simply this. Mufassil Bengal is in a very bad way owing to the operation of the Debt Settlement Boards and other Acts and therefore rich Calcutta alone should be taxed.

Mr. PRESIDENT: Motion moved that in clause 1 of the Bill in sub-clause (*2*), for the words "the whole of Bengal," the words "city of Calcutta as defined in the Calcutta Municipal Act" be substituted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this, because the fundamental principle underlying this Bill is that those whose income has been reduced will not pay this tax. It will fall on those who have a specified income. All such professional men will pay the tax. So, whether it is the operation of Debt Settlement Boards or trade depression, it does not affect at all the Bill. Sir, I oppose this discriminatory amendment.

Mr. PRESIDENT: The question before the House is that in clause 1 of the Bill in sub-clause (*2*) for the words "the whole of Bengal," the words "city of Calcutta as defined in the Calcutta Municipal Act" be substituted.

(The motion was negatived.)

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir, I beg to move that in clause 1 of the Bill, in sub-clause (3) after the words "it shall," the words "remain in force for three financial years beginning from the 1st April, 1939, and shall" be inserted.

Sir, at the present moment we have a popular Government under the popular Ministry and their credit would be enhanced if they could run the Government without any fresh taxation. The more the fresh taxation, less will be their credit. They were cognisant of this principle when they came to office. As a matter of fact they carried this principle in the actual field of administration by doing away with the tobacco tax and some other tax just after acceptance of office. They have realized this position that people do want that the Government, rather the popular Ministry, which is the representative of the people should run the administration without any fresh taxation. Sir, even in the old Legislative Council when Sir John Woodhead introduced some taxation measures, he desired to bring them as permanent measures. But in compliance with the wishes of the members of the Legislature, he agreed to have them as temporary measures. This I say from my personal experience as I had the honour of being a member of the Select Committee, where the Government yielded to the wishes of the representatives of the people. He also realized that except in cases of dire necessity, measures of taxation should always be made on a temporary basis. With this end in view, my proposal is that the proposed measure should be limited to a period of three years. Moreover, the title of the Bill is "Bengal Finance Bill." If it really is a Finance Bill, it should be extended from year to year. The British, Parliament is our model parliament. There also, Finance Bills never run for more than a year. Every year the Finance Bill is introduced and passed. In the year following, if the people thought that they should continue the old rate of taxation, they again pass it in the same form as in previous years. But when they are convinced that the taxes should be reduced, they pass such Bills in amended form. Thus, they get a chance of reviewing the position every year. Sir, even in the Central Legislature in India, the Finance Bill does not go beyond one year. But to make it more convenient for this Government, I propose that it may be extended for three years. Apart from this, the life of the present Ministry would expire after three years. Let us see whether the next Ministry requires this money. Why should we embarrass the future Ministry with a measure which they might not require? Let this be continued during the term of the present Ministry and after the expiration of their term, let the Bill be discontinued. Further, there is every prospect of getting more money from income-tax and jute duty from the Government of India. We should try to get hold of this money, for in that case we may not require this sum of Rs. 12 lakhs, as estimated by Hon'ble Finance Minister.

Sir, what I want to impress upon the present Ministry, is to consider whether it is not desirable on their part to have this taxation for three years, so that they can run the administration during their regime with the help of the taxation to be raised by this Bill. After them, let their successors consider what they should or should not do It is not at all proper and it is not desirable either to have this measure permanently on the Statute book.

Moreover, Sir, I think as Professor Humayun Kabir and other hon'ble members have observed, there is no indication in the Statement of Objects and Reasons as to how the money should be spent: whether for primary education, or for rural development, or for improving the health of the people. We must know in what way the money would be spent. After seeing how the Government work for three years and how the money is spent, we can decide whether it should be placed on the Statute book permanently or not. And I can assure the Government that if it be well-spent for any nation-building department, the people would not grudge to have it permanently. With these remarks, I move my amendment.

Mr. PRESIDENT: Motion moved that in clause 1 of the Bill, in sub-clause (3) after the words "it shall," the words "remain in force for three financial years beginning from the 1st April, 1939, and shall" be inserted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this amendment. The Raja Bahadur has said that as it is a popular Government it must run without taxation. But I think he is under some delusion. Because it is a popular Government, I think there will be more taxation for doing national regeneration work. Then, he has made another point that he does not know how the money is to be spent. Sir, at the time of the Budget, I presented to the House the probable estimate of income and expenditure and this House has discussed these items threadbare. So, how the money is going to be spent has been indicated in the Budget.

Regarding the Raja Bahadur's point that in England and in the Central Government, Finance Bills are made annually, I only want to say that the conditions prevailing in these two Governments are not same as in the Provincial Governments. There also the Act is permanent, only the rate is varied according to the exigencies of the circumstances. There it is necessary, because the two taxes, namely, the income-tax and customs duties Act, are changed from year to year and that for sufficient reason, but in none of the Provincial Governments that sort of annual taxation system has yet been evolved. That question has not been properly examined yet, and if it is found sound for all the Provincial Governments, we shall have a discussion and make up our

minds as regards that principle at a subsequent date, but for the present I would request the House to make this small Bill permanent. The examples of the United Provinces and Central Provinces have been quoted. They have also made it permanent. In view of the fact that the Act by which 13 crores of rupees is realised is a permanent Act, this small Act should not be opposed on that ground.

Mr. PRESIDENT: The question before the House is that in clause 1 of the Bill, in sub-clause (3) after the words "it shall," the words "remain in force for three financial years beginning from the 1st April, 1939, and shall" be inserted.

(The motion was negatived.)

Mr. PRESIDENT: Rai Bahadur, your amendment is covered by the previous one moved by Raja Bahadur of Nashipur.

Rai KESHAB CHANDRA BANERJEE Bahadur: Yes, Sir, my amendment is also practically for three years.

Mr. HUMAYUN KABIR: Sir, I beg to move that in clause 1 of the Bill, in sub-clause (3), the following words be added at the end, viz.—

"but shall not remain in force for more than one year from the date of commencement."

Sir, the principle underlying this amendment has already been suggested by the Raja Bahadur of Nashipur. It is a generally accepted principle that taxation Bills should not be made permanent features of the statute book. The expenditure of the Government may vary from year to year, but if once a taxation Bill is put on the statute book, there is a tendency for it to remain there irrespective of variations in the expenditure of the Government. Besides, Sir, as has already been suggested, there is as yet uncertainty about the form or shape which this Bill may take at a later stage. It has also been suggested by the Raja Bahadur that we have to-day a Government which at least claims to be a popular Government and is answerable to the people of the province for their actions. It is therefore to be expected that if they have any beneficial proposal, if they have any well-conceived plans for the benefit of the province, money will be found for the execution of those plans. The Finance Minister, I think he will himself bear me out, has not had much difficulty in having his budgets passed in spite of a certain amount of criticism. Whenever there was a measure to which the Legislature has generally agreed, it had given him the sanction. In view of the general support which he has received, I fail to understand why there should be this hurry about

putting this Bill permanently on the Statute book. Therefore, Sir, I suggest that this should be made an annual Bill renewable every year on the lines of the practice which is followed in England as well as in the Central Government.

Sir, with these words, I commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved that in clause 1 of the Bill, in sub-clause (3), the following words be added at the end, viz.:—

"but shall not remain in force for more than one year from the date of commencement."

Mr. LALIT CHANDRA DAS: Sir, I rise to support the amendment that has been now moved by my friend, Professor Humayun Kabir. We are opposed to the Bill and yet to minimise the evil, we rather agree that the operation of the Bill should be restricted to one year. And the reasons for this decision of ours, Sir, have been amply supplied by the Finance Minister himself. The Finance Minister was pleased to observe that he recognized the inequity of the ungraduated tax, and he also told us that the Finance Act passed by the United Provinces Government is now before the Federal Government which will soon give its decision. He has even told this House that if the decision be in favour of that Act, he will introduce into the Bengal Legislature a fresh Bill on the lines of the Act passed by the United Provinces Legislature. So, taking the arguments advanced by the Finance Minister himself, there is absolutely no reason why this measure should be placed permanently on the Statute book here and now. It should be temporary in all conscience. Therefore, I support the amendment that has been moved by my friend, Professor Humayun Kabir.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I am not one of those who would like to put obstacles in the way of the Government by refusing this demand altogether. But at the same time, I think the Government should be a little bit more considerate in regard to legislation of this nature which, to all intents and purposes, is unpopular. Taxation is always unpopular, particularly when a measure like this is proposed to be placed permanently on the Statute book.

Sir, during the last Budget Session, the Hon'ble Finance Minister said that there had been a distinct fall in the revenues of the Government owing to factors over some of which Government had no control. There were other factors also which were responsible for the decline in the collection of revenue and one of those was the suspension of the certificate procedure. The Hon'ble Minister said at that time, if I remember aright,—that the present taxation proposals were for augmenting the resources of the Government by imposing

an ungraduated tax on trade, callings, professions and employment. It was not perhaps intended at that time,—at any rate, we, on this side of the House never thought—that it would be a permanent measure.

If the revenues of Bengal had suffered in any way, the House would be well justified in supporting the Government to augment their resources, but any taxation to fulfil this object must be for a temporary period. I see no reason, therefore, as to why a measure like this should be made permanent. If at the end of the current financial year, Government find that their financial position has not improved, then the operation of this Act may be extended for such period as may be found necessary. But to place it permanently on the statute book, particularly by a Government which represents the people of this country, would be wholly unjustifiable. With these few words, I support the amendment. Personally, I would like to limit the operation of the Act to three years, but since the amendment of the Raja Bahadur of Nashipur has been negatived, I have no other alternative than to support this amendment.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this amendment also. The main argument put forward by Mr. Humayun Kabir is that the income of the Government will be varied and so, there is no necessity for a permanent measure like this. I admit that the income of the Government will vary from time to time. But that variation will go on the increase side and not on the decrease side. Therefore, a tax like this is necessary permanently. Then Mr. Kabir said that he wanted this money for the extension of primary education. I put it to him that if Government on the basis of this income accept any scheme for the extension of primary education, as soon as they commit themselves to the scheme of establishing such schools, they will require fresh finance year after year. There will be no dearth of schools after the end of one year. So far as the financial position of the Government is concerned, we shall require a huge amount of money to meet our current requirements. And this Bill which will produce a sum of Rs. 12 lakhs will not be such that for some time to come at least we shall not require to repeal this tax. Besides, the idea that the Bill is permanent has got a restricted meaning. Sir, nothing is permanent. If the Legislature want it, they can repeal this Act next year. So "permanent" means "until it is repealed it will work." But a time may come when we shall not require financial legislation, when we may be full of money and then the Legislature can repeal this Act.

Mr. HUMAYUN KABIR: That has never been done by any Government in the world.

The Hon'ble Mr. NALINI RANJAN SARKER: ....And this tax will not be levied then. For this reason, I oppose the amendment of Mr. Humayun Kabir.

Mr. PRESIDENT: The question before the House is that in clause 1 of the Bill, in sub-clause (3), the following words be added at the end, viz.—

"but shall not remain in force for more than one year from the date of commencement."

The House divided.

(Some Hon'ble Ministers were seen canvassing on the floor of the House, while the division was in progress.)

Mr. PRESIDENT: Order, order; there should be no active canvassing on the floor of the House, particularly by Ministers who are not members of this House.

AYES—18.

Rai Bahadur Keshab Chandra Banerjee.
Rai Bahadur Manmatha Nath Bose.
Mr. Shrish Chandra Chakraverti.
Mr. Lalit Chandra Das.
Mr. Bankim Chandra Datta.
Mr. Kamini Kumar Dutta.
Mr. Kanai Lal Goswami.
Mr. Humayun Kabir.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Naresh Nath Mookerjee.
Dr. Radha Kumud Mookerjee.
Rai Bahadur Satis Chandra Mukherji.
Mr. Ranajit Pal Choudhury,
Mr. Nagendra Narayan Ray.
Rai Sahib Indu Bhusan Sarkar.
Rai Saheb Jatindra Mohan Sen.
Rai Bahadur Surendra Narayan Sinha.
Raja Bhupendra Narayan Sinha Bahadur, of Nashipur.

NOES—20.

Khan Bahadur Nazimuddin Ahmad.
Mr. Mesbahuddin Ahmed.
Mr. Nur Ahmed.
Dr. Arabinda Barua.
Mr. Humayun Reza Chowdhury.
Khan Saheb Abdul Hamid Chowdhury.
Nawabzada Kamruddin Haider.
Khan Bahadur Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Mr. H. C. A. Hunter.
Khan Bahadur Syed Mohammad Ghaziul Huq.
Khan Bahadur Muhammad Asaf Khan.
Maulana Muhammad Akram Khan.
Mr. B. W. G. Laidlaw.
Mr. H. G. G. Mackay.
Khan Saheb Subidali Molla.
Mr. E. C. Ormond.
Khan Bahadur M. Shamsuzzoha.
W. F. Scott-Kerr.
Mr. Kader Baksh.

(The amendment was lost.)

Mr. PRESIDENT: The question before the House is that clause 1 stand part of the Bill.

(The question was agreed to.)

Clause 2.

Mr. PRESIDENT: The question before the House is that clause 2 stand part of the Bill.

(The question was agreed to.)

Clause 3.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in clause 3 of the Bill, in sub-clause (*1*), for the word and figure "April, 1939," the word and figure "April, 1940," be substituted.

My reason for moving this amendment is that those who paid income-tax for the year 1938-39 should not be made to pay this new tax, I mean this ungraduated tax of Rs. 30, this year.

Mr. PRESIDENT: Amendment moved: That in clause 3 of the Bill, in sub-clause (*1*), for the word and figure "April, 1939," the word and figure "April, 1940," be substituted.

The Hon'ble Mr. NALINI RANJAN SARKER: I oppose this amendment as the Bill will be unworkable if, for "April, 1939," "April, 1940," be substituted.

Mr. PRESIDENT: The question before the House is that the clause 3 of the Bill, in sub-clause (*1*), for the word and figure "April, 1939," the word and figure "April, 1940," be substituted.

(The amendment was negatived.)

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg to move that in clause 3 of the Bill, in sub-clause (*1*), for the words "every person who was," the words "persons who were" be substituted.

Sir, there is another amendment which stands in my name, being serial No. 26. If I am not allowed to move that amendment along with this, this amendment becomes meaningless.

Mr. PRESIDENT: You can move both the amendments together.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I also move that in clause 3 of the Bill in sub-clause (*1*), for the words "thirty rupees in addition" occurring in line 9, the following be substituted, namely:—

"(*i*) Rs. 10 for those paying income-tax at the rate of 9 pies in the rupee;

(*ii*) Rs. 20 for those paying income-tax at the rate of 1 anna 3 pies in the rupee; and

(*iii*) Rs. 30 for the rest."

Sir, I am making some change in the drafting of the amendment for which notice had been given. Is it necessary to take leave of the House for this change?

Mr. PRESIDENT: You do not move part (*iv*). That is all right.

Khan Sahib ABDUL HAMID CHOWDHURY: Yes, Sir, I omit part (*iv*) of my amendment.

Sir, I believe in my heart of hearts that a tax of Rs. 30 will be a hardship in some cases. Instances will not be rare where income from trade, profession or callings will be found to be much less than Rs. 30. So, I have suggested these three kinds of taxation. But objection may be raised that this Legislature is not competent to introduce a graduated tax. In that connection, I repeat the argument of my friend Mr. Bankim Chandra Dutta with whom I am in agreement when he says that the present Bill also is an instance of a graduated scale of taxation. Practically, two divisions have been made—those who pay income-tax and those who do not pay it. So, a graduated system has already been introduced, and on that ground I hope that no objection will be taken by the House.

With these few words, Sir, I commend my amendments to the acceptance of this House.

Mr. PRESIDENT: Amendment moved: That in clause 3 of the Bill, in sub-clause (*1*), for the words "every person who was," the words "persons who were" be substituted.

Another amendment has been moved: That in clause 3 of the Bill, in sub-clause (*1*), for the words "thirty rupees in addition" occurring in line 9, the following be substituted, namely:—

"(*i*) Rs. 10 for those paying income-tax at the rate of 9 pies in the rupee;

(*ii*) Rs. 20 for those paying income-tax at the rate of 1 anna 3 pies in the rupee; and

(*iii*) Rs. 30 for the rest."

Mr. E. C. ORMOND: Mr. President, Sir, I rise on a point of order. I am not absolutely certain whether the hon'ble member has altered the motion since I saw it. But if this is a motion for a tax which is on a graduated scale, will that not obviously then be an income-tax, and will not that obviously be *ultra vires* of this House, in which case, Sir, I would suggest this motion is not a motion which can be taken up by this House. Secondly, Sir, is not this motion in contravention of one of the provisions of the Rules and Standing Orders of this House in regard to a motion being introduced which proposes to inflict taxation, and unless the hon'ble member has got leave of His Excellency the Governor for this motion, will not this be out of order on that ground also?

Mr. PRESIDENT: I would like to hear what Khan Sahib Abdul Hamid Chowdhury has got to say on that point. A question has been raised as to whether this amendment is in order, because according to Mr. Ormond it turns this clause into a graduated tax.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I have already touched on that point. My argument is that the Bill in its present form itself is a graduated tax, because it has made two divisions—those who pay income-tax and those who do not pay it. This is a sort of graduation. If this is allowed, then I do not see any ground to reject my amendment on that ground only.

Mr. HUMAYUN KABIR: Mr. President, Sir, I beg to support the amendment moved by Khan Sahib Abdul Hamid Chowdhury——

Mr. PRESIDENT: It is now being argued whether it is in order, whether it goes against the Statement of Objects and Reasons of the Bill itself, whether it makes the tax graduated.

Mr. HUMAYUN KABIR: May I make some observations on that point?

Sir, the points raised by Mr. Ormond were (1) that it introduces a graduated tax and therefore may come within the mischief of the Income Tax Act, and (2) that it proposed to impose an additional tax for which previous permission of His Excellency the Governor is necessary. I think the second point is not a valid one because clause 4 has not been moved at all. Therefore, Khan Sahib Abdul Hamid Chowdhury has not attempted to increase the tax which has already been proposed in the Bill. Therefore, no previous permission of His Excellency would be required. I think it is within the competence of this House to lessen a tax, though it has no power to propose any additional tax without previous sanction.

With regard to the other point, as has already been suggested by the hon'ble member, the principle of graduation has been accepted by the Government in making a distinction between those who pay income-tax and those who do not. Here it is not an income-tax, because, as was very ably argued by the Hon'ble Khwaja Sir Nazimuddin yesterday, it has no proportion, no direct bearing upon the actual income of the person taxed. The definition of income-tax which he offered yesterday was that it is a portion of the actual income of the person, a certain percentage of his income. But here, there is no idea of any percentage of income. It is a flat rate only. The flat rate is differentiated in the cases of those persons who pay different rates of income-tax to which they may be assessed. Therefore, Sir, I suggest that it does not come within the mischief of the Income Tax Act.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I want to say something on this point of order. I believe that the Statement of Objects

and Reasons makes it clear that the tax is ungraduated. That defines the scope of the Bill. I think if we adopt this amendment, it will go against the principle of ungraduated tax. I ask you to consider this point, Sir. It is a legal matter and I think I am entitled to know the view of the Chair.

Mr. PRESIDENT: I would like to remind the hon'ble member that the Statement of Objects and Reasons is no part of the Bill. As a matter of fact, in the Upper House we are not even supplied with the Statement of Objects and Reasons.

I think the discussion on this point really falls on the original point of order on which I have already given my decision. As I have said, I have my doubts but yet I permitted the discussion. So, I follow the old ruling and shall allow a discussion on this amendment also. By my ruling, I shall not bar it out.

Mr. NARESH NATH MOOKERJEE: Sir, at the very outset, I make it clear, that our party are opposed to such methods of direct taxation but as this amendment brought up by my friend on the other side attempts to graduate the tax and lessen the burden on the middle classes and to distribute this burden among people who are more able to bear it, we wish to support it.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I have to oppose both these amendments. First, it is not necessary in legal language to differentiate between persons and persons of the same earning. Secondly, Sir, it will be unworkable. We have no means of ascertaining what the income of a man is, whether he pays income-tax at the rate of 9 pies per rupee or one anna and three pies per rupee. We have no machinery to ascertain this income, and if we levy the tax after ascertaining the income, I am afraid we shall fall under the mischief of the income-tax provisions of the 1st List. Therefore, I would appeal to the Khan Sahib, who is an intelligent man, who understands everything, to withdraw his amendment, because he knows that we shall get only the list of income-tax payers; we shall not know on what income a man has been assessed. If this amendment is passed, the whole Bill will be unworkable. In that view, I appeal to the Khan Sahib not to press his amendment.

Mr. HUMAYUN KABIR: Mr. President, Sir, I beg to support this amendment of the following grounds. The Hon'ble Finance Minister has suggested that if any reference is made to the Income Tax Department about the total income of the person to be taxed, then it should come within the mischief of the Income Tax Act. But I suggest, Sir, that there is no necessity whatsoever of ascertaining what is the actual income of a person in order to impose a graduated tax as suggested by Khan Sahib Abdul Hamid Chowdhury. All that is necessary

is that the Income-tax Department should supply the Government of Bengal with the *rate* at which a person has been taxed. In any case, the point which has been made by the Hon'ble Finance Minister is not tenable. He says that if we have to wait till income-tax rates are available, then it will become an income-tax, but he will even on his own proposal, have to refer to the Income-Tax Department in order to get the list of the persons who have been assessed to income-tax. So, a reference has to be made and cannot be avoided. He cannot in some mysterious manner impose the tax and then wait for corroboration from the Income Tax Department. That is not, I suppose, the procedure which he proposes to follow. He will have to refer any way to the Income Tax Department to get a list of persons who pay income-tax. Well, Sir, he can do the same thing even now only with one additional condition that the Income Tax Department may be requested to furnish also the rate at which a person is assessed income-tax. There need be no reference whatsoever to the actual income of a person.

Sir, it has been argued that there may be difficulties in doing this. I fail to understand why there should be any difficulty. Yesterday, great play was made on the point that the Calcutta Corporation, in imposing its licence tax, differentiates between the income of those who have a taxable income only from their professional earnings and those who have not. Those who do not have a taxable income from their profession alone, are taxed at a different rate. Their licence fee is lower than that of the persons who have a professional income which is taxable. If the Income Tax Department of the Government of India is willing to help the Calcutta Corporation, it stands to no reason why it should not also satisfy the Government of Bengal. In any case, Sir, that is a difficulty which can easily be avoided. Therefore, the apprehensions which the Hon'ble Finance Minister has sought to give expression to are, I think, entirely unfounded. It should be quite workable even if the present amendment is adopted and I think he will not question that this would make the tax far more equitable than the form in which he has himself proposed it.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, my difficulty with Professor Humayun Kabir is that he will not understand a thing but simply by force of words, by his capacity for being verbose, he will try to convince us. He said that it is quite practicable. I ask him to see whether it is practicable or not——

Mr. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 11th May, 1939.

Members absent.

The following members were absent from the meeting held on the 10th May, 1939:—

(1) Mr. Nagendra Chandra Datta.
(2) Alhadj Khwaja Muhammad Esmail.
(3) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(4) Khan Bahadur M. Abdul Karim.
(5) Begum Hamida Momin.
(6) Mr. H. P. Poddar.
(7) Rai Bahadur Radhica Bhusan Roy.
(8) Mr. Krishna Chandra Roy Chowdhury.
(9) Mr. Sachindra Narayan Sanyal.
(10) Mr. D. H. Wilmer.

B. G. Press—1939-40—3366A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 11th May, 1939, at 2-15 p.m., being the seventh day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Victoria Boys' School at Kurseong.

43. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state what is the annual expense incurred by the Government of Bengal in maintaining the Victoria Boys' School at Kurseong?

(b) What was the expense incurred by Government during the last three years?

(c) For whom is this institution intended?

(d) What is the number of students on the rolls? Of these, how many are sons of persons of European descent and how many are children of Government servants?

(e) What is the principle as regards admission of boys to this school?

(f) Does the Government propose to modify the present rule of admission so as to allow facility to students of all castes and creed for study in this school?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (a) and (b) The annual expenditure incurred by Government on the Victoria Boys' School, Kurseong, for the three years ending 31st March, 1938, was as follows:—

		Rs.
1935-36	...	1,37,828
1936-37	...	1,43,549
1937-38	..	1,46,379

(c) The school is intended for the education of sons of persons of European descent.

(*d*) The number of students on the rolls at present is 153. Of these, 135 are sons of persons of European descent, 16 are sons of persons working under the Government of Bengal, and 69 are sons of persons working under other Provincial Governments and the Government of India.

(*e*) As regards admission, children of Government servants under the Government of Bengal are given preference. Indian boys may also be admitted (*a*) as day pupils up to a maximum of 25 per cent. and (*b*) as boarders up to a maximum of 15 per cent. of the European children on the rolls subject to the following conditions:—

(1) that they conform to all existing regulations and diet arrangements; and

(2) that such boarders are only admitted if existing vacancies cannot be filled up by European and Anglo-Indian children.

As in the case of European and Anglo-Indian children, preference will be given to the sons of Government servants.

(*f*) No.

Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister be pleased to state if the total expenditure on this account is met out of the grants under the head "European Education"?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Khan Sahib ABDUL HAMID CHOWDHURY: With reference to answer (*e*), will the Hon'ble Minister be pleased to state what is meant by "diet arrangement"? Does it mean that objectionable diets are to be taken by Muhammadan or Hindu boys?

The Hon'ble Khwaja Sir NAZIMUDDIN: It means that the food that is provided there, I believe, is the English food as opposed to Indian food.

Libraries in Bengal.

44. Mr. NUR AHMED: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that there is a great demand for more libraries and circulating libraries in Bengal?

(*b*) How many libraries and how many circulating libraries have been established in Bengal up to this date?

(*c*) How much money is annually spent for the same?

(*d*) Has the Government drawn any scheme for establishing more libraries and circulating libraries in the province of Bengal? If not, is the Government contemplating to draw up one such scheme in Bengal for the benefit of the poor people? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) There are 353 Scientific and Literary Societies with libraries in Bengal. Information is not available regarding circulating libraries.

(*c*) The Education Department does not give grants-in-aid to libraries unattached to schools or colleges. Such libraries are generally aided by Municipalities and other local bodies. Some 112 village libraries were, however, established out of the Rural Development grant for 1935-36. I have also been helping libraries with grants from my Discretionary Fund as I meet them in the course of my tour.

(*d*) A Committee has been set up to investigate the problem of primary and adult education in Bengal. It is not yet known whether any scheme for the establishment of libraries is under the contemplation of the Committee.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answer (*d*), does the term of reference of the Committee include the question of the establishment of libraries?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. I would refer the hon'ble member to the answer (*d*), which says "to investigate the problem of primary and adult education in Bengal". It may be a consequential question whether if you want to have adult education in Bengal it may be necessary to have libraries also. But actually the establishment of library by itself is not one of the terms of reference for this Committee.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Does not the Government consider it desirable to add a reference to that effect?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I think the question of the establishment of libraries must be dealt with as a consequential question in connection with adult education or primary education. By itself it is a very big problem and I do not think it is within the bounds of the Government to take up this question. Development of libraries should be by non-official agencies and non-official assistance rather than by the assistance of Government.

Mr. KADER BAKSH: Will the Hon'ble Minister be pleased to state which of the libraries has got grants out of the discretionary fund of the Chief Minister?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Road Development in North Bengal.

45. **Rai Bahadur BROJENDRA MOHAN MAITRA:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the last Government contemplated to take up a provisional scheme for Road Development in North Bengal connecting Godagari in the district of Rajshahi with Siliguri, known as North Bengal High Way?

(*b*) If so, whether a final alignment has been made?

(*c*) If the answer to clause (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state when he proposes to take it up?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) and (*b*) Yes: but the Government of India have not yet been asked to sanction the project as a whole.

(*c*) I hope that it will be possible to start work on the Laskarhat-Dinajpur-Birganj section early next year.

Rai Sahib JATINDRA MOHAN SEN: Arising out of (*c*), may I ask if the final alignment for the Laskarhat-Dinajpur-Birganj section has been made?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think so, Sir.

Prohibition in the Industrial areas.

46. **Mr. LATAFAT HOSSAIN:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether he proposes to make any arrangement for enforcing Prohibition in the Industrial areas to protect the poor labourers? If so, when and from what area will the prohibition work start this year? If not, why not?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): No, because it would be very difficult to stop illicit distillation and smuggling which would be the result of prohibition in the mill areas.

Khan Sahib ABDUL HAMID CHOWDHURY: Does the Hon'ble Minister mean that under the present administrative arrangements, Government is helpless to stop illicit distillation and smuggling?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Still, it is difficult to say.

Mr. LALIT CHANDRA DAS: Is there not a preventive section of the Forest and Excise Department to stop illicit distillation and smuggling?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, there is a preventive department.

Mr. LALIT CHANDRA DAS: Do the Government mean to say that owing to difficulties in stopping illicit distillation and smuggling without putting into operation the preventive section of the Forest and Excise Department, the Government will allow drinking to run rampant in mill areas?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It will be very difficult to control the mill areas, because they are all up-country labourers, and in spite of our preventive department cases of illicit distillation are very high in these areas.

Rai KESHAB CHANDRA BANERJEE Bahadur: Does the Hon'ble Minister mean thereby that the Excise staff is inadequate to deal with the situation?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, I do not admit that the Excise staff do not do any work or they cannot cope with the situation. It rests with the people. The habit has not yet changed.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is the Hon'ble Minister aware that steps regarding prohibition have already been taken in the provinces of Bombay and Bihar?

The Hon'ble Mr. PRASANNA DEB RAIKUT: So have we in this province also.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state as to whether enquiries have been made from the Governments of Bombay and Bihar as to how in similar cases they deal with the situation?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I do not think it is necessary to enquire at the present moment.

Mr. HUMAYUN KABIR: Are we then to understand that the Government propose to take no steps in order to restrict the consumption of alcohol and other intoxicants in mill areas?

The Hon'ble Mr. PRASANNA DEB RAIKUT: The Government have already taken steps.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state the nature of these steps?

The Hon'ble Mr. PRASANNA DEB RAIKUT: We have got an efficient Preventive staff and our excise rates are higher than in other provinces.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if there has been any appreciable effect realized as a result of taking these steps?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, I think we have realized effective results.

Mr. HUMAYUN KABIR: Has there been any appreciable difference in the excise revenues from the mill areas as a result of taking these steps?

The Hon'ble Mr. PRASANNA DEB RAIKUT: As I have already stated, crimes are higher than in previous years.

Mr. HUMAYUN KABIR: Has there been any difference in the excise revenues realized by Government as a result of taking these steps?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Now, the rates are higher.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the difference in the rate as compared to the previous years? What is the percentage of increase in the rates?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I cannot say offhand, Sir.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if it is not a fact that in spite of a certain amount of illicit smuggling and distillation, measures of prohibition always result in a lesser consumption of alcohol?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No, I do not admit that, Sir.

Mr. LALIT CHANDRA DAS: Has any attempt been made to experiment prohibition in industrial and mill areas instead of higher rates?

The Hon'ble Mr. PRASANNA DEB RAIKUT: We have made no experiment in industrial areas.

Mr. LALIT CHANDRA DAS: Does the Government promise to experiment prohibition in industrial and mill areas instead of merely raising the rates higher and higher?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Without examining the case, it is very hard to say.

Mr. LALIT CHANDRA DAS: Will the Government promise to examine whether prohibition may be experimented in these areas?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It depends upon the success of the examination.

Mr. LALIT CHANDRA DAS: Do the Government promise to examine whether conditions are such that prohibition may be experimented in industrial and mill areas instead of raising the rates higher for the purpose of increasing the revenue?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, Sir. I have already stated, it depends upon the result of the experiment in Noakhali.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, in the answer in the printed list, the Hon'ble Minister has said "illicit distillation would be the result of prohibition in the mill area", but in answer to the supplementary question of Mr. Humayun Kabir, he said "Steps have already been taken". May I know if this is a contradictory statement or not?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, I have taken certain measures, such as lessening the hours of sale and reducing the number of shops. We are not going to increase the number of shops, and the rate is higher, as I have already stated.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state if any steps were taken in order to find out the result by stopping the sale of intoxicants on the pay-day in the mill areas?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, I have got some experience of tea gardens and I have found that sometimes managers are surrounded by coolies and they rebel if the managers try to stop the sale of drink on that day!

Mr. HUMAYUN KABIR: Sir, my question is whether Government have experimented with the idea of stopping the sale of intoxicants on the pay date, that is, the day on which the wages are paid to the labourers?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It is impossible to do so, Sir.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state what is the ground of his statement that it is impossible to do so?

(There was no answer from the Hon'ble Minister.)

Short Notice Questions.

46A. Rai KESHAB CHANDRA BANERJEE Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what steps have been taken to fill up the vacancy caused by the death of late Maharaja Sir Manmatha Nath Ray Chowdhury of Santosh which sad event occurred on the 1st April, 1939?

(*b*) Is it a fact that the vacancies which occurred in the European constituencies by the resignations of European members of the Bengal Legislative Council have already been filled up and that immediate steps were taken to fill up those vacancies just after the resignations were tendered?

(*c*) Is it also a fact that steps have been taken to fill up the vacancies caused by the deaths of late Babu Birendra Nath Majumdar, M.L.A., and the late Babu Manoranjan Banerji, M.L.A., and that a date has already been fixed by the Government for the filing of nomination papers?

(*d*) If the answer to the above questions be in the affirmative, will the Hon'ble Minister be pleased to state the reasons for such a differentiation made in the matter of filling up vacancies caused by the resignations of the European members of the Legislative Council and by the deaths of members of the Legislative Assembly and the vacancy caused by the demise of the Maharaja of Santosh?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) The Officer whom it is proposed to appoint as Returning Officer has been consulted regarding dates.

(*b*) Yes.

(*c*) Yes.

(*d*) There is no differentiation. The usual and necessary practice is being followed of making enquiries before adopting a programme when a seat is expected to be contested.

Mr. NARESH NATH MOOKERJEE: May I know, Sir, when this enquiry is likely to be completed?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Secretary, Bengal Legislative Assembly Department, was consulted on the 19th April and he has replied to-day that the programme for the election is under examination and that the election will take place during this session.

Mr. NARESH NATH MOOKERJEE: May I know why the Assembly seats could be filled up so quickly and why is it that it has taken such a long time to fill up the Council seat? After all, the procedure is much simpler here.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I ask, Sir, which Assembly seat the hon'ble member is referring to?

Mr. NARESH NATH MOOKERJEE: I am referring to paragraph (*b*) of your reply.

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as the question of European seats in the Legislative Council is concerned, in their case we were given to understand that there would be no contest and so the question of election would not arise. It was purely a question of nomination and scrutiny and therefore the matter was simple and easy. So far as the election in the Legislative Assembly is concerned, Government consulted the Returning Officer, a programme was arranged and therefore there was no difficulty in arranging for the election. In the case of the vacancy caused by the death of the Maharaja of Santosh, the Secretary, Legislative Assembly Department, said at first that they could not conduct the election during a busy session but now at the instance of Government they have agreed to do so.

Mr. RANAJIT PAL CHOUDHURY: Sir, is there not a convention that a vacancy caused by the death of a sitting member is gazetted?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not follow the hon'ble member, what does he mean?

Mr. RANAJIT PAL CHOUDHURY: Is it not the practice that a notification is issued in the *Calcutta Gazette* announcing the vacancy of a seat in the Legislature?

Mr. PRESIDENT: Well, that is not a matter of convention, it is enjoined by the rules. The Governor in his individual judgment must issue a notification asking the constituency concerned to fill up the vacancy and dates are fixed by the Governor in his discretion. There is no question of convention in such cases.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if the date for this election has been fixed?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already stated, we have received information to-day. The programme is under examination and the election will take place during this session.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what time elapsed before the vacancy caused by the resignation of Sir George Campbell from this House and the election of Sir Edward Benthall in his place took place?

The Hon'ble Khwaja Sir NAZIMUDDIN: Very little time, because the programme in that case was not difficult to arrange. There was going to be no contest. In the case of a contest, it is an extremely complicated and difficult thing. Therefore, the Returning Officer has to agree to a programme and has got to agree to conduct the election and the difficulty arises where there is a likelihood of contest. When there is no likelihood of a contest and merely one name is proposed and seconded, the person is elected automatically and there is no arrangement and no *bandobust* is to be made.

Mr. HUMAYUN KABIR: Is it not a fact that in both cases the same constituency was in question and the same procedure of election would as a matter of course be followed?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, quite true. But in one case there was likelihood of a contest and in the other there was no contest. It is the conducting of contested elections that causes trouble.

Mr. PRESIDENT: The Government is anticipating that there may be a contest. Whether they have got a right to anticipate that or not is a different thing.

46B. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether the Government is aware of the introduction on 15th April last of a Bill in the House of Lords, named India and Burma Miscellaneous (Amendments) Bill;

(*b*) whether the Government is aware that the Bill contains provisions enabling the Governor-General of India to assume authoritative powers, namely, to direct the provincial Governments in the matters of recruitment and war supply etc., and if necessary, to enable him to put his own officers in control in the provinces at any time when he may declare India to be threatened by war or by grave emergency;

(*c*) whether the Government was consulted before the introduction of the said Bill or at any time with regard to the assumption of powers by the Governor-General such as are mentioned in clause (*b*); if so, whether Government agreed to them; whether Government approved the provisions of that Bill;

(*d*) whether the Government is aware that the Congress Governments in other Provinces did not agree to those provisions in the Bill and do not approve of them; and

(*e*) if the answer to clause (*c*) is in the affirmative, whether the Government consulted the Legislature before agreeing to those provisions; if not, whether the Government will be pleased to give reasons why the Legislature was not consulted?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) The hon'ble member is referred to clause (*4*) of the Bill.

(*c*) The Governor sought the opinions of the Council of Ministers on the provisions of the Bill. I regret that I am not in a position to divulge the opinions which were expressed.

(*d*) I have no information.

(*e*) The matter was one upon which the Ministers were not constitutionally competent to tender formal advice and the opinions of the Council of Ministers having been asked for in confidence, no question of consulting the Legislature could arise.

Mr. LALIT CHANDRA DAS: Arising out of answer (*b*), in view of the fact that the Bill referred to has not been circulated to any member of this House nor to any member of any of the Legislatures in India, will the Hon'ble Minister be pleased to state whether the answer suggested in question (*b*) is correct?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer and suggestion in (*b*) are correct; at the same time I would draw the attention of the hon'ble member to the other provisions, which relate, for example, to the control of lights as a defence measure against air raids or control of profiteering on food, as apposite as those quoted by the hon'ble member.

Mr. LALIT CHANDRA DAS: Arising out of answer (*e*), though the opinion of the Council of Ministers has been asked for in confidence, may I ask the Hon'ble Minister whether the opinions of the leaders of the parties were taken in confidence by the Council of Ministers before they ventured to submit their own opinions?

The Hon'ble Khwaja Sir NAZIMUDDIN: I draw the attention of the hon'ble member to my reply (*e*), particularly on the point that, as the subject was one on which the Ministers were not constitutionally competent to send their formal advice, the question of consulting either the Legislature or the leaders in the Legislature does not arise.

Mr. HUMAYUN KABIR: Are we to understand from answer (*e*), that the opinions given were of the hon'ble gentlemen who constitute the Council of Ministers in their personal capacity and not as a Council of Ministers?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. HUMAYUN KABIR: Are we then to understand that the answer was given by the Hon'ble Ministers as a Council of Ministers?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes; but not as the Government of Bengal.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state how the Ministers when they are not acting as the Government of Bengal constitute a Council of Ministers?

The Hon'ble Khwaja Sir NAZIMUDDIN: There are innumerable questions on which His Excellency the Governor can ask for their opinion as a Council of Ministers but it does not follow that he asks that opinion from the Government of Bengal.

Mr. LALIT CHANDRA DAS: In view of the fact that the matter relates to the power and privilege, rights and responsibilities of the Province of Bengal, did not the Council of Ministers representing the Legislature think it proper to consult at least the leaders of parties in confidence before venturing their opinions on such an important issue?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am very sorry that the hon'ble member has made such a fundamental mistake. The matter referred to has everything to do with the Province of Bengal, but the Provincial Legislature is not competent to deal with it. Therefore the question does not arise. For example, any legislation for amending the Government of India Act is a matter with which any Provincial Legislature is not competent to deal, because none of their recommendation and advice is binding upon the British Government. It is entirely a matter for the British Parliament and we have got nothing to do with it. This Government and this Legislature are only responsible for those subjects where their recommendation is binding on them.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please take it from us that the question is not whether the Provincial Government were competent or not competent to give any advice, but the question is why, in view of the nature of the matter on which their opinion was asked for, the opinion at least of the leaders of the parties here was not taken in confidence when they were acting as a Council of Ministers on a matter which vitally affects this province, even though the province has no jurisdiction over this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is difficult for me to explain to the hon'ble member but I have tried my best to do so, and if I have to say anything further, it will merely be a repetition of what I have said before, namely, that Ministers are responsible to the Legislature only on those subjects on which their advice has got to be acted upon; for example, under the Government of India Act, any advice that they give to the Governor on certain questions is binding on him, and for those questions only are the Ministers responsible to the Legislature. There are, however, questions on which their advice is not binding on the Governor and for those matters Ministers are not responsible to the Legislature. Here, the Governor has to act in his own discretion and Ministers have no responsibility to the Legislature nor has the Legislature any responsibility in the matter. Ministers are only functioning where they are giving advice under the Government of India Act—advice which has got to be

accepted by the Governor. It is in respect of those cases only that the Legislature has jurisdiction and the Ministers are responsible to the Legislature.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister——

Mr. PRESIDENT: I must tell the hon'ble member that no argument is allowed in the case of a question. The Hon'ble Minister has made the position absolutely clear; therefore, no argument is in order. You can, however, ask for any information if you like.

Mr. LALIT CHANDRA DAS: Without raising the question of responsibility in any way, may I ask the Hon'ble Minister why on a matter which touches the whole province the opinion of the Council of Ministers was not given in consultation with the leaders of the parties, even though that opinion was not specifically asked for?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the hon'ble member also belongs to a party and he can find out from the A.I.C.C. or the Working Committee why the Congress Ministers did not consult their Legislatures and he will then be satisfied.

Dr. RADHA KUMUD MOOKERJEE: May I know whether the Ministers were bound to give the advice asked for?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add on the subject.

Dr. RADHA KUMUD MOOKERJEE: I am afraid, I must have an answer to my question. If the Minister says that the Council of Ministers were not competent to tender advice in a sphere in which they do not function constitutionally, may I know whether there is any binding authority which compels them to tender advice in fields where they are inoperative? Why should they then poke their noses in matters which do not concern them?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid I have got nothing further to add.

Dr. RADHA KUMUD MOOKERJEE: But may I add another question? In view of the fact that the Council of Ministers represent a popular Government—in view of the fact that the Bill that is now in course of progress through the British Parliament adversely affects the character of the Provincial Autonomy in Bengal, why should the Council of Ministers give advice in a sphere where their advice is not in consonance with popular opinion?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid I am not going to add anything more, because——

Mr. PRESIDENT: Yes, you have made your point quite clear.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that the Congress Ministers did not *kowtow* to the opinion of the Imperial Government in England?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, this Ministry may not hold the views of the Congress Council of Ministers.

Mr. HUMAYUN KABIR: Is it not a fact that the opinion of the esteemable gentlemen who form the Council of Ministers here was asked because they happened to constitute the Government of Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because they happened to be Ministers in Bengal—yes.

GOVERNMENT BILL

The Bengal Finance Bill, 1939.

Mr. PRESIDENT: The House will now take up further discussion of the Bengal Finance Bill, 1939.

Mr. NARESH NATH MOOKERJEE: On a point of information, Sir. Will you not allow members of the House to enter into some discussion to-day over this amendment? After all, yesterday, Sir, we were expecting to go into the voting lobbies when the Council was adjourned. The atmosphere was very much conducive then to our arriving at the right decision. To-day, if you allow the Government to make a speech and then close the debates there, I am afraid the atmosphere will be entirely different and it may not do full justice to the amendment which is a very important one.

Mr. PRESIDENT: Mr. Sarker, will merely make a speech and close.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I am very sorry that I cannot accept this amendment. My first reason is that it will not bring even half the amount which I have estimated by this tax. If the tax is reduced to Rs. 10 and Rs. 20, a larger number of assessees will pay lesser amount than it was estimated when I introduced that Bill.

Secondly, Sir, it is not practicable, because under the present system of income-tax, a slab system has been introduced. There is nobody who pays 9 pies per rupee as income-tax. There is no person assessed at the rate of 1 anna and 3 pies in the rupee. In the slab system, you cannot say whether an assessee pays 9 pies or one anna and three pies. Under the old flat system, that could have been practicable, but under the present system it will not be possible.

My third reason is, Sir, that we shall not get this information from the Income-Tax Department. For, under section 54 of the Income-Tax Act except the list of assessees we shall not get any other particulars. They refuse to give us even particulars as to who pays income-tax on Rs. 2,500, or Rs. 3,000, or Rs. 4,500, etc. We shall only get a list of income-tax-payers and not any details; and unless and until we get the details we shall not be able to give effect to this amendment if it is passed. Our whole scheme is, Sir, that we are getting this tax at the lowest amount of cost for realization, because we shall not ourselves go into the income of the person. We shall only get a list of income-tax payers and through our existing officers we shall realize the tax from those persons. But if this amendment is carried, then we shall have to maintain a separate department and a separate staff to go into every man's income, which under the law we cannot; and even if we can, it will mean much more expenditure than the tax will fetch. Under these circumstances, Sir, I oppose this amendment.

Mr. PRESIDENT: The question before the House is that in clause 3 of the Bill, in sub-clause (*1*) for the words "every person who was" the words "persons who were" be substituted, and in the same clause for the words "thirty rupees in addition" occurring in line 9, the following be substituted, namely:—

"(*i*) Rs. 10 for those paying income-tax at the rate of nine pies in the rupee;

(*ii*) Rs. 20 for those paying income-tax at the rate of one anna and three pies in the rupee;

(*iii*) Rs. 30 for those paying income-tax at the rate of twenty-four pies in the rupee."

The House divided.

AYES—10.

Mr. Akrish Chandra Chakravarti.
Khan Sahib Abdul Hamid Chowdhury.
Mr. Lalit Chandra Das.
Mr. Humayun Kabir.
Mr. Kamal Kumar Dutta.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Naresh Nath Mookerjee.
Dr. Radha Kamud Mookerjee.
Mr. Ranajit Pal Chaudhuri.
Mr. Sachindra Narayan Sanyal.

NOES—35.

Khan Bahadur Nazirudin Ahmad.
Mr. Meshahuddin Ahmed.
Mr. Nur Ahmed.
Mr. Kader Baksh.
Rai Bahadur Keshab Chandra Banerjee.
Dr. Arabindra Barua.
Mr. H. C. A. Hunter.
Rai Manmatha Nath Bose Bahadur.
Mr. Humayun Reza Chowdhury.
Mr. Khorshed Alam Chowdhury.
Khan Bahadur Rezzakul Haider Chowdhury.
Mr. D. J. Cohen.
Khan Bahadur S. Fazal Ellahi.
Mr. W. F. Scott-Kerr.
Khan Bahadur Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Khan Bahadur Syed Ghaziul Huq.
Khan Bahadur Maulvi Muhammad Ibrahim.
Alhadj Khan Bahadur Shaikh Muhammad Jan.
Khan Bahadur Muhammad Asaf Khan.
Maulana Muhammad Akram Khan.
Mr. H. G. G. Mackay.
Mr. W. B. G. Laidlaw.
Khan Sahib Subidali Mollah.
Mr. E. C. Ormond.
Khan Bahadur Ataur Rahman.
Mr. Mukleur Rahman.
Mr. Nagendra Narayan Ray.
Mr. Krishna Chandra Roy Chowdhury.
Rai Sahib Indu Bhusan Sarkar.
Rai Sahib Jatindra Mohan Sen.
Khan Bahadur M. Shamsuzzoha.
Mr. Saileswar Singh Roy.
Rai Bahadur Surendra Narayan Sinha.
Raja Bhupendra Narayan Sinha Bahadur, of Nashipur.

(The amendment was negatived.)

Mr. HUMAYUN KABIR: I beg to move that in clause 3 of the Bill, in sub-clause (*1*), after the word "who" in line 2, the words "has an income, from whatever source derived, equal to the minimum income that" be inserted.

Sir, the only result of my amendment will be to make this clause a little more clear. If this amendment is carried, then the section will read as follows:—

> "As from the first day of April, 1939, every person who has an income from whatever source derived, equal to the minimum income that was assessed to income-tax under the Income-tax Act, 1922, etc., etc."

The Hon'ble Finance Minister, when he was discussing this clause, said that he meant to include every one whose income would reach the assessable limit, irrespective of whether the income was derived from a profession or any other source. If this amendment is carried, it will probably make the section a little clearer and in this way really help him in realising the object which he enunciated. I do not propose to say anything further.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill, in sub-clause (*1*), after the word "who" in line 2, the words "has an income from whatever source derived, equal to the minimum income that", be inserted.

The Hon'ble Mr. NALINI RANJAN SARKER: Though the intention of both of us—of myself and of Mr. Kabir is the same, yet I am advised by my law officers that the draft in this Bill is better than that of the amendment. So I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, in sub-clause (*1*), after the word "who" in line 2, the words "has an income from whatever sources derived, equal to the minimum income that", be inserted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in clause 3 of the Bill, in sub-clause (*1*), after the word "income-tax" in line 2, the words "imposed on yearly income of rupees five thousand" be inserted.

Sir, if my amendment is accepted, it will only be those income-tax payers who are assessed on an income of Rs. 5,000 and over, who shall have to pay the tax. It is here that luxury may really be taken to begin. If I remember aright, in the course of the Finance Minister's statement in an earlier Budget speech he said that he would take the earliest opportunity of taxing the rich people. If these words are inserted, namely, "imposed on yearly income of rupees five thousand", then his assurance may be redeemed, for it is from this point that luxury really begins.

Mr. PRESIDENT: Motion moved: that in clause 3 of the Bill, in sub-clause (*1*), after the word "income-tax" in line 2, the words "imposed on yearly income of rupees five thousand" be inserted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose the amendment. As I have already said we are not having a separate machinery for assessing people's income; we shall only assess them from the income-tax list, which, however, will not give us any idea of the actual income of different classes of persons. So, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, in sub-clause (*1*), after the word "income-tax" in line 2, the words "imposed on yearly income of Rs. 5,000", be inserted.

(The amendment was negatived.)

Mr. HUMAYUN KABIR: I beg to move that in clause 3 of the Bill, in sub-clause (*1*) after the words "any such profession" the words "including agriculture" be inserted.

The Hon'ble Mr. NALINI RANJAN SARKER: I rise on a point of order, Sir. This amendment enlarges the scope of the Bill; hence it is not in order.

Mr. HUMAYUN KABIR: I beg to submit that this interpretation is not correct, because the terms used, namely, profession, trade or calling, etc., include agriculture. Within them is included practically everything that a man might do in any walk of life. And unless there be any specific definition which exludes agriculture from the professions, there is no point in the Finance Minister's remark that agriculture is excluded from the professions. I, therefore, deny that my amendment extends the scope of the Bill.

Mr. PRESIDENT: If the hon'ble member will refer to the English Income-tax Act, he will see that in Schedule 1(*a*)(*b*)(*c*)(*d*), the professions are all included in Schedule 1(*d*). There are other spheres too. For example, interest or dividends from shares—they do not come under any of these four categories mentioned in clause 3 of the Bill. I, therefore, rule that Mr. Kabir's amendment is an attempt to widen the scope of the Bill and so is out of order.

Mr. LALIT CHANDRA DAS: Sir, may I divide my motion into two parts and place only the first portion of it for consideration?

Mr. PRESIDENT: Yes.

Mr. LALIT CHANDRA DAS: I beg to move that in clause 3 of the Bill, in sub-clause (*1*), for the word "thirty" the word "twenty" be substituted. I do not move the rest of my original amendment.

The effect of this amendment would be, Sir, that the flat rate would be Rs. 20 in place of Rs. 30.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill, in sub-clause (*1*), for the word "thirty" the word "twenty" be substituted.

Mr. HUMAYUN KABIR: Sir, I beg to support the amendment for the following reasons: We had intended that there should be some graduation between the tax which is paid by persons from different income levels and the amendment of Khan Sahib Abdul Hamid Chowdhury attempted to do that. I suggest that though it may not be a matter of any great concern to members of this House —most of whom according to the Statute have an income of Rs. 5,000 or more a year,—it is a matter of great concern to many persons who pay income-tax if they have to pay Rs. 2 or Rs. 3 a month in addition to what they are already paying. People whose income is Rs. 5,000 a year may not feel it if they have to pay Rs. 2 or Rs. 3 extra, but there are also persons who just reach the level of Rs. 2,000 a year; to them it is a matter of real concern. As you know, Sir, the marginal utility of money goes on diminishing with increasing income.

Therefore, the lower the income of a person, the greater is the marginal utility of a rupee to him. If we can give some relief to the middle class, particularly in these difficult days, I think we shall be doing a distinct service. Though the times have affected the agriculturists in the hardest manner, the middle class, which largely depends upon the agriculturists for its existence is equally hard hit. Therefore, I would ask the Finance Minister to accept this amendment and show this small mercy to the lower middle-class population who constitute so large a proportion of the people of this province.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I have a similar amendment, but I do not want to move it.

Mr. PRESIDENT: But you can speak on this amendment.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I am sorry I have to oppose this amendment. Firstly, for the reason that it will not bring the income which has been estimated in the Budget for our purpose; secondly, so far as hardship is concerned, if there is hardship on the smaller and the lower ranks of the middle-class on account of the agricultural depression, I can say that they have been accustomed to it and may not feel it. I am not increasing his liability which he incurred in the previous year; because whatever relief he has got from the Central Government on account of the new slab system of income-tax, he is being called upon to pay up to the Provincial Government. The only difference will be that what he paid to the Central Government last year, he will now have to divide between the Central Government as well as to this Provincial Government. I do not think that the person now going to be taxed will be in a worse position than he was last year. In the larger interests of the agricultural classes, I think the middle class people will bear this small burden.

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, in sub-clause (*1*), for the word "thirty" the word "twenty", be substituted.

(The amendment was negatived.)

Mr. HUMAYUN KABIR: I beg to move that in clause 3 of the Bill for the existing proviso to sub-clause (*1*), the following new proviso be substituted, viz:—

"Provided that nothing in this sub-section shall authorise the levy of this tax from persons whose gross income, from whatever source derived, is less than Rs. 3,000 per year."

If I understand the Hon'ble Finance Minister aright, his only objection to an amendment of this type is that it will be difficult of realisation, that there are certain difficulties because the income-tax department may not supply him with the necessary information. On that point, I suggest that even though it is provided under the Income-Tax Act that income tax officers should not divulge the tax paid by any particular individual, or the total income of any particular individual, I am not clear in my mind if there is any direction in the Act which prevents them from giving information about the rate at which a particular person pays his income-tax.

Sir, even if there be any such provision now, the Government may move the authorities concerned so that this particular difficulty may be removed. As suggested earlier, it is the lower middle classes to whom this relief will be a real relief. The Finance Minister suggested a little while ago that because they used to pay a higher tax to the Central Government and because the Central Government has given that relief to them this year, therefore he is going to get a share in that portion of relief which they have been granted and take it away from them. I fail to understand the logic behind this argument. If the Central Government has given relief to a certain class of tax payers, because it involved hardship on them, it hardly behoves a popular Government to step in and take away from them what the Central Government, which is not a popular Government, felt constrained to give to them. Therefore, Sir, that argument which has been advanced by the Hon'ble Finance Minister is hardly tenable, and I think he will himself revise it and accept this amendment, or at any rate I hope the House will accept it.

Mr. PRESIDENT: Amendment moved that in clause 3 of the Bill for the existing proviso to sub-clause (*1*) the following new proviso be substituted, viz.:—

"Provided that nothing in this sub-section shall authorise the levy of this tax from persons whose gross income, from whatever source derived, is less than Rs. 3,000 per year."

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I am sorry to have to oppose this amendment also. Prof. Humayun Kabir has said that he has not been able to understand my logic. I do not expect that, Sir. I never dreamed even that so long as I am occupying the Treasury Bench, he will ever understand it. Of course, there is one exception. If I and he were to join and occupy this Bench, then he would, I am sure, accept my logic. (Laughter.)

Sir, so far as this amendment is concerned, Prof. Humayun Kabir has said that I must negotiate with the Government of India. We had done so before; we were not alone in approaching the Government of India in this matter. The Madras Government and the C. P.

Government also did likewise. But the Central Government intimated that their decision was final and that they would not disclose the particular class of income to us. They can only supply, under the present Act, a list of assessees and nothing more than that. So, if this amendment is passed, the whole scheme will be unworkable.

Mr. PRESIDENT: The question before the House is that in clause 3 of the Bill for the existing proviso to sub-clause (*1*), the following new proviso be substituted, viz.:—

"Provided that nothing in this sub-section shall authorise the levy of this tax from persons whose gross income from whatever source derived, is less than Rs. 3,000 per year."

(The amendment was negatived.)

Khan Bahadur ATAUR RAHMAN: Sir, I beg to move that in clause 3 of the Bill, for sub-clause (*2*) the following be substituted, namely:—

"(*2*) The tax imposed under sub-section (*1*) shall be paid at the time at which and the manner in which the income-tax imposed under Indian Income-tax is payable."

Sir, my object in introducing this amendment is only to minimise the cost of collection. What I suggest is that the Provincial Government should induce the Central Government,—possibly it would not be difficult for them to manage this,—to make this collection through the Income-Tax Department. They will have to do nothing more than add this sum of Rs. 30 to the demand notice which they issue and only give a *pro forma* account to the treasury. The Government of Bengal maintains their account in its treasury. So, I think the Government of India, after possibly charging a very small percentage, will agree to collect the tax imposed by the Local Government. For this reason, I have proposed this amendment.

Mr. PRESIDENT: Amendment moved that in clause 3 of the Bill for sub-clause (*2*), the following be substituted, namely:—

"(*2*) The tax imposed under sub-section (*1*) shall be paid at the time at which and the manner in which the income-tax imposed under Indian income-tax is payable."

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I must thank the Khan Bahadur for this suggestion. But I am sorry I cannot accept it until the Income-Tax Department agrees to collect this tax for us. If they may be persuaded to agree to collect this tax for us,

then even without this amendment the procedure suggested by the Khan Bahadur would be followed. In that view, Sir, I would ask the Khan Bahadur not to press this amendment.

Khan Bahadur ATAUR RAHMAN: Mr. President, Sir, with the permission of the House I beg to withdraw the amendment.

(The amendment was, by leave of the House, withdrawn.)

Mr. LALIT CHANDRA DAS: I beg to move that in clause 3 of the Bill, in sub-clause (*3*), for the words "thirty days" the words "three months" be substituted.

Sir, I want to read the clause to show what will be the effect of my amendment. "If any tax payable under sub-section (*1*) is not paid within the time and in the manner prescribed under sub-section (*2*), any officer empowered by the Provincial Government in this behalf shall cause to be served on the defaulter in the prescribed form a notice of demand to pay such tax within *three months* of the service of such notice." I am only suggesting 3 months in place of 30 days. Sir, there is economic depression going on throughout the country and majority of the persons who will have to pay this tax will be very hard hit. Now, instead of 30 days, the period of time for payment should be extended to three months.

Mr. PRESIDENT: Amendment moved that in clause 3 of the Bill, in sub-clause (*3*) for the words "thirty days" the words "three months" be substituted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this amendment also. Because, though he will get 30 days' notice, he will get another 30 days' time for certificate, but in order to avoid hardship, we are providing by rules for collection of the tax by instalments.

Mr. PRESIDENT: The question before the House is that in clause 3 of the Bill, in sub-clause (*3*), for the words "thirty days" the words "three months" be substituted.

(The amendment was negatived.)

Rai Sahib INDU BHUSAN SARKER: Sir, I beg to move that in clause 3 of the Bill, in sub-clause (*3*), for the words "thirty" wherever it occurs the word "sixty" be substituted.

Sir, the reason for this amendment has been already advanced by Mr. Das. There will be hardship if only 30 days are given. So, I propose that instead of 30 days, it may be 60 days to save the trouble. So, I think the Hon'ble Minister will be agreeable to give at least one

month's time more. Though the instalment benefit will be given, still it would be more comfortable for the tax-payers to pay if they are allowed 60 days instead of 30.

Mr. PRESIDENT: Amendment moved that in clause 3 of the Bill, in sub-clause (*3*), for the word "thirty" wherever it occurs the word "sixty" be substituted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this amendment. As I explained, the tax-payer will get two months in any case. But as I have said, we are providing under rules to realize this tax by instalments. So, the hardship will be minimised.

Rai Sahib INDU BHUSAN SARKER: In that case, Sir, I beg leave of the House withdraw my amendment.

(The motion was then by leave of the House withdrawn.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in clause 3 of the Bill, in sub-clause (*3*) for all the words beginning with "and if payment is not made" up to the end of the proviso, the words "such tax shall be recoverable by a certificate under section 4 of the Bengal Public Demands Recovery Act, 1913" be substituted.

Now, if this is omitted, it will read like this. Sir, the portion that I want to omit is this: "And if payment is not so made, the tax and by way of penalty a sum not exceeding the amount of the tax shall be recoverable as an arrear of a public demand:"

"Provided that any such officer may remit the penalty wholly or in part if the tax is paid prior to the filing of a certificate under section 4 of the Bengal Public Demands Recovery Act, 1913."

Sir, by this amendment I am opposing the imposition of penalty. I look upon this tax as a penalty. A person earning Rs. 2,000 and over will have to pay in addition to the income-tax this flat tax. Therefore, I look upon this flat tax as a penalty itself. Further penalty should not be imposed, and when this flat tax becomes due, I have added in my amendment, that it should be made recoverable under the provisions of the Bengal Public Demands Recovery Act, 1913.

Mr. PRESIDENT: Amendment moved that in clause 3 of the Bill, in sub-clause (*3*), for all the words beginning with "and if payment is not made" up to the end of the proviso, the words "such tax shall be recoverable by a certificate under section 4 of the Bengal Public Demands Recovery Act, 1913" be substituted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this amendment. A right to levy a tax with discretion to remit the penalty

is essential for timely collection of a tax without causing unnecessary hardships to the assessee. This is a well recognised principle of taxation.

Mr. PRESIDENT: The question before the House is that in clause 3 of the Bill, in sub-clause (*3*), for all the words beginning with "and if payment is not made" up to the end of the proviso, the words "such tax shall be recoverable by a certificate under section 4 of the Bengal Public Demands Recovery Act, 1913" be substituted.

(The motion was negatived.)

Mr. NUR AHMED: Mr. President, Sir, I beg to move that in clause 3 of the Bill, in sub-clause (*3*) for the words "the amount of the tax" the words "ten percentum" be substituted.

Sir, at first sight this amendment may appear to be a small and insignificant one not deserving of the serious attention of this House. Coming from the district of Chittagong, I quite realise what the word penalty means. In the district of Chittagong where the number of petty estates are the largest, not less than 56,000, penalty is realised at the rate of 40 to 50 per cent. On the floor of this House, the Hon'ble Minister in charge of the Revenue Department had admitted in answer to my question that the penalty had actually been realised at a rate exceeding 40 per cent. Sub-clause (*3*) of clause 3 provides how the tax levied under this Act would be realised. It says that in case of non-payment within the time-limit, a notice of thirty days would be given to the defaulters and if the tax is not paid within these thirty days, the tax would be realised with an amount of penalty not exceeding the amount of the tax. In other words, it means the realising officer shall have power to realise this tax with a heavy amount of penalty. The Hon'ble Minister in charge of the Bill has admitted that the imposition of this tax might cause hardship to those whose income is barely two thousand. There is no denying the fact that through the over-zealousness of the Income-Tax Department, many poor persons whose income is not really two thousand have been made to pay the income-tax. If this tax with equal amount of penalty is realised, will it not cause greater hardship to this poor section? I appeal that this matter should be seriously considered, and I appeal to the Hon'ble Finance Minister to accept this amendment.

Mr. PRESIDENT: Amendment moved that in clause 3 of the Bill, in sub-clause (*3*), for the words "the amount of the tax" the words "ten percentum" be substituted.

Mr. LALIT CHANDRA DAS: I beg to support the amendment. The Finance Minister was just telling us that in realising all taxes

there is always to be found a clause regarding penalty to ensure the speedy realisation of the tax. Here, an offer has been made by Mr. Nur Ahmed that only 10 per cent. of the flat rate may be taken as a penalty and then the condition that the Finance Minister has laid down will be satisfied. Under these circumstances, I hope the Finance Minister will accept the amendment and carry it through the House. With these words, Sir, I support the amendment which has been moved by my friend, Mr. Nur Ahmed.

Rai KESHAB CHANDRA BANERJEE Bahadur: I also support the amendment for the simple reason that it seeks to give relief to an assessee to some extent, if not fully. The object of this amendment, so far as I can see it, is to limit the penalty to 10 per cent. of the amount assessed. Evidently, the Finance Minister has relied upon the principle contained in the Indian Income-tax Act. In the Indian Income-tax Act, there is a provision to the effect that if the assessee fails to pay the amount of tax in time, the assessing officer should be entitled to impose a fine equivalent to the amount of the tax. And so far as this particular Bill clause is concerned, I think it will be a great hardship to the persons assessed. Therefore, I think that 10 per cent. of the tax would be a reasonable limit which while maintaining pressure on the assessee, will enable him to pay his tax easily.

The Hon'ble Mr. NALINI RANJAN SARKER: I oppose the amendment, Sir. I do not think that there is much hardship in this, because the limit of tax is the maximum up to which the penalty can be imposed and that is the figure at which the entire penalty has been limited. I have said already that we are making a provision for payment of the tax by instalment. So far as the salaried officers are concerned, their tax will be usually collected every month. It will be difficult only in the case of professional men—doctors, lawyers, etc.—and for them we are trying to provide rules by which they can pay their tax by instalment. So, there will be very few cases which will come under the penalty clause, and even if it be the case that the penalty can be limited, the amount of penalty can be up to Rs. 10, Rs. 5 up to Rs. 30. So I do not think this amendment is necessary and I cannot accept this amendment.

Rai KESHAB CHANDRA BANERJEE Bahadur: May I explain, Sir, that what I was driving at is that over-zealous income-tax officers have a tendency to fix the maximum amount of penalty?

The Hon'ble Mr. NALINI RANJAN SARKER: We have nothing to do with the income-tax officers.

Mr. PRESIDENT: The question before the House is that in clause 3 of the Bill, in sub-clause (*3*) for the words "the amount of the tax", the words "10 per cent." be substituted.

The House divided.

AYES—14.

Mr. Nur Ahmed.
Mr. Shrish Chandra Chakravorti.
Mr. Moazzemali Choudhury.
Mr. Lalit Chandra Das.
Mr. Bankim Chandra Datta.
Mr. Kamini Kumar Dutta.
Mr. Kanai Lal Goswami.
Khan Bahadur Maulvi Muhammad Ibrahim.
Mr. Humayun Kabir.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Naresh Nath Mookerjee.
Dr. Radha Kumud Mookerji.
Mr. Ranajit Pal Chaudhuri.
Mr. Sachindra Narayan Sanyal.

NOES—24.

Khan Bahadur Naziruddin Ahmad.
Mr. Mesbahuddin Ahmed.
Mr. Kader Baksh.
Dr. Arabinda Barua.
Mr. H. C. A. Hunter.
Mr. Hamidul Huq Chowdhury.
Khan Saheb Abdul Hamid Chowdhury.
Mr. D. J. Cohen.
Mr. W. F. Scott-Kerr.
Khan Bahadur Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Khan Bahadur Syed Muhammad Ghaziul Huq.
Alhadj Khan Bahadur Shaikh Muhammad Jan.
Khan Bahadur Muhammad Asaf Khan.
Maulana Muhammad Akram Khan.
Mr. H. G. G. Mackay.
Mr. W. B. G. Laidlaw.
Khan Sahib Subidali Molla.
Mr. E. C. Ormond.
Khan Bahadur Ataur Rahman.
Mr. Mukhlesur Rahman.
Mr. K. C. Roy Chowdhury.
Khan Bahadur M. Shamsuzzoha.
Mr. Saileswar Singh Roy.

(The amendment was negatived.)

Rai Sahib JATINDRA MOHAN SEN: I beg to move that in clause 3 of the Bill, in the proviso to sub-clause (*3*) after the words and figures "the Bengal Public Demands Recovery Act, 1913", the words "or if the defaulter satisfies such officer as to the cause of his non-payment in time" be added.

Sir, the object of my amendment is to give wider discretion to the special officer in the matter of remission of penalty. The Bill as it stands gives the special officer power to remit the penalty wholly or in part if the tax is paid prior to the filing of a certificate under section 4 of the Public Demands Recovery Act. But what I propose to do by my amendment is to extend the power of the special officer by giving him the power to exercise discretion even if the certificate is filed, after the defaulter satisfies such officer as to the non-payment of the tax in time. It does not require much reasoning to support this amendment. My amendment only wants to give the special officer power to remit the penalty either wholly or in part—even if the certificate is filed the defaulter has satisfied him that he had good cause for not paying the amount in time.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill, in the proviso to sub-clause (3) after the words and figures "the Bengal Public Demands Recovery Act, 1913", the words "or if the defaulter satisfies such officer as to the cause of his non-payment in time" be added.

Mr. NARESH NATH MOOKERJEE: I rise to support the amendment of Rai Sahib Jatindra Mohan Sen. I do not suppose that Government can really have any objection to the motion being accepted, because the Finance Minister has himself promised that he is going to see that this penalty is not enforced rigidly. He has also promised that in some cases he may remit the whole of the penalty. I do hope that Government on this occasion at least will come forward and accept the suggestion of the House.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, the next amendment stands in my name. May I know if I shall be in a position to move my amendment after the Rai Sahib's amendment?

Mr. PRESIDENT: If you like, you may speak on this amendment and need not move yours, as your amendment is almost identical.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I rise to support the amendment. I have also given notice of a similar amendment. The object of my amendment is to give to the assessing officer, as the Rai Sahib has observed, wider discretionary powers, so that he may remit the penalty in case of necessity. It may be that an assessee may have defaulted for no fault of his owing to circumstances over which he had no control. He might have been away for a long time from the station and in the meantime the notice might have been served on him of which he was not quite aware. Many other factors may be responsible for the default. So I say that it will be a great hardship on the part of the assessee if no such provision is made in the Act. And that is why I support it.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this amendment because I think it is unnecessary. There is wide discretion for remission of the penalty.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Even after filing certificate?

The Hon'ble Mr. NALINI RANJAN SARKER: That is not clear from the amendment. What is meant by "in time"? The time is there. So, if the amendment is carried, the situation is not improved.

Rai Sahib JATINDRA MOHAN SEN: Sir, there is no ambiguity in my amendment. The proviso to clause 3 runs to this effect:

"Provided that any such officer may remit the penalty wholly or in part if the tax is paid prior to the filing of a certificate under section 4 of the Bengal Public Demands Recovery Act, 1913."

After that it is added "or if the defaulter satisfies such officer as to the cause of his non-payment in time"; that means before the filing of the certificate. So, it is quite clear; there is no ambiguity about it.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I want to make one point clear. Section 5 provides for the remission of penalty of any person who has paid a tax, whereas this arrangement suggests that if any person who has not paid the tax even after service of certificate shows satisfactory reason for the non-payment of the same, the penalty may be remitted.

The Hon'ble Mr. NALINI RANJAN SARKER: There is another fact. The amendment says that if the defaulter can satisfy the officer that means that by showing reasons without payment of the tax he can raise objections as to the payment of penalty. So, that will encourage frivolous applications and the collection of tax will be held up. That is why I am unable to support this amendment.

Mr. PRESIDENT: The question before the House is that in clause 3 of the Bill, in the proviso to sub-clause (3) after the words and figures "the Bengal Public Demands Recovery Act, 1913", the words "or if the defaulter satisfies such officer as to the cause of his non-payment in time" be added.

The House divided.

AYES—18.

Rai Bahadur Keshab Chandra Banerjee.
Rai Bahadur Manmatha Nath Bose.
Mr. Shrish Chandra Chakraverti.
Mr Moazzemali Choudhury.
Mr. Lalit Chandra Das.
Mr. Bankim Chandra Datta.
Mr. Kamini Kumar Dutta.
Mr. Kanai Lal Goswami.
Mr. Humayun Kabir.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Naresh Nath Mookerjee.
Dr. Radha Kumud Mookerji.
Mr. Ranajit Pal Chaudhuri.
Mr. Nagendra Narayan Ray.
Rai Sahib Indu Bhusan Sarker.
Rai Sahib Jatindra Mohan Sen.
Mr. Saileswar Singh Roy.
Rai Bahadur Surendra Narayan Sinha.

NOES—27.

Khan Bahadur Nazirudin Ahmad.
Mr. Mozharuddin Ahmed.
Mr. Nur Ahmed.
Mr. Kader Baksh.
Dr. Arabinda Barua.
Mr. H. C. A. Hunter.
Mr. Hamidul Huq Chowdhury.
Khan Saheb Abdul Hamid Chowdhury.
Mr. Khorshed Alam Chowdhury.
Mr. D. J. Cohen.
Mr. W. F. Scott-Kerr.
Nawabzada Kamruddin Haider.

Khan Bahadur Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Khan Bahadur Syed Muhammad Ghaziul Huq.
Khan Bahadur Maulvi Muhammad Ibrahim.
Alhadj Khan Bahadur Shaikh Muhammad Jan.
Khan Bahadur Muhammad Asaf Khan.
Maulana Muhammad Akram Khan.
Mr. H. G. G. Mackay.
Mr. W. S. G. Lefroy.
Khan Sahib Sabidali Molla.
Mr. E. O. Ormond.
Khan Bahadur Ataur Rahman.
Mr. Mukhlesur Rahman.
Mr. K. C. Roy Chowdhury.
Khan Bahadur M. Shamsuzzoha.

The amendment was lost.

Mr. PRESIDENT: The question before the House is that clause 3 stand part of the Bill.

(The motion was agreed to.)

Clause 4.

Mr. PRESIDENT: Clause 4 stand part of the Bill.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to move that in clause 4 of the Bill, in sub-clause (*1*) after the word "Bengal" the word "Government" be inserted.

Sir, the clause reads "The tax payable under section 3 by any person serving in connection with the affairs of Bengal shall in the manner prescribed, be deducted by the officer who disburses any amount payable to such person on behalf of the Provincial Government." I do not understand why only the word "Bengal" is used here. So, I move my amendment.

Mr. PRESIDENT: Amendment moved that in clause 4 of the Bill, in sub-clause (*1*) after the word "Bengal" the word "Government" be inserted.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I find that the words here have been taken bodily from the Government of India Act. There, it is mentioned as "affairs of Bengal" and not as "Government of Bengal." So, I think this amendment is unnecessary.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in clause 4 of the Bill, in sub-clause (*1*) after the word "Bengal" the word "Government" be inserted.

(The amendment was negatived.)

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I beg to move that at the end of sub-clause (*2*) of clause 4 of the Bill, the words "by the officer disbursing the amount" be added.

Sir, sub-clause (2) of clause 4 runs thus:—

"The tax payable under section 3 by any person in the employment of a local authority (other than a Cantonment Board), shall in the manner prescribed, be deducted from any amount payable to such person on behalf of such local authority."

My idea is to make it more definite and clear by introducing the words "by the officer disbursing the amount".

Mr. PRESIDENT: Amendment moved that at the end of sub-clause (2) of clause 4 of the Bill, the words "by the officer disbursing the amount" be added.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, this amendment is unnecessary. The existing draft is clear enough. So, I oppose the motion.

Mr. PRESIDENT: The question before the House is that at the end of sub-clause (2) of clause 4 of the Bill, the words "by the officer disbursing the amount" be added.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 4 stand part of the Bill.

(The motion was agreed to.)

Clause 5.

Mr. PRESIDENT: Clause 5 stand part of the Bill.

Rai KESHAB CHANDRA BANERJEE Bahadur: I beg to move that after sub-clause (1) of clause 5 of the Bill, the following new sub-clause be inserted, namely:—

"(1a) Any person on whom a notice of demand has been served under sub-section (3) of section 3 for the recovery of the tax and the penalty may, within such period as may be prescribed, apply to the officer therein referred to for exemption from the payment of the penalty imposed."

Section 5(1) lays down that any person who has paid a tax or penalty under section 3 may within such period as may be prescribed apply to the officer for refund of the tax or penalty paid, etc. But the object of my amendment is to bring those who have not paid any tax within the purview of this section before payment. That is the object of my amendment.

Mr. PRESIDENT: Amendment moved that: that after sub-clause (*1*) of clause 5 of the Bill, the following new sub-clause be inserted, namely:—

"(*1a*) Any person on whom a notice of demand has been served under sub-section (*3*) of section 3 for the recovery of the tax and the penalty may, within such period as may be prescribed, apply to the officer therein referred to for exemption from the payment of the penalty imposed."

The Hon'ble Mr. NALINI RANJAN SARKER: This is unnecessary and the person who has not paid any tax cannot claim any refund of the tax.

Mr. PRESIDENT: The question before the House is that after sub-clause (*1*) of clause 5 of the Bill, the following new sub-clause be inserted, namely;—

"(*1a*) Any person on whom a notice of demand has been served under sub-section (*3*) of section 3 for the recovery of the tax and the penalty may, within such period as may be prescribed, apply to the officer therein referred to for exemption from the payment of the penalty imposed."

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 5 stand part of the Bill.

(The motion was agreed to.)

Clause 6.

Mr. PRESIDENT: The question before the House is that clause 6 stand part of the Bill.

(The question was agreed to.)

Clause 7.

(No member seemed to rise in his place to move the amendments given notice of.)

Mr. PRESIDENT: I would like to make it clear that it is not the duty of the Chair to call out the names of any member who wants to move an amendment. The mere fact of giving a notice is not a guarantee that the amendment will be moved. The member concerned must be prompt in rising in his place to move his amendment.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I beg to move that clause 7 of the Bill be omitted.

Clause 7 seeks to empower the Government to exempt from, or to remit the tax in favour of, some person or classes of persons whom Government think fit. I am personally not in favour of giving this power of remission or exemption. In that case, there should be a clear provision in the body of the Act itself, so that we might be in a position to know who and what class of persons are proposed to be exempted or in whose favour the tax is going to be remitted. But if the rules are to be framed by Government, we do not know whether they will place them before the Legislature for its approval. And the rules so framed might not be in conformity with the views of this House. That is why I suggest that this section should be totally deleted. I do not want to give Government this power to make any distinction in this matter.

Mr. PRESIDENT: Motion moved: that clause 7 of the Bill be omitted.

The Hon'ble Mr. NALINI RANJAN SARKER: I am sorry I cannot accept the amendment. There is perhaps a misapprehension in the minds of hon'ble members that I intend to make exemption in favour of any person or class of persons who are the favourites of Government. Nothing of the kind, Sir. This exemption or remission is usual in every proposal for taxation. In the Bill for Employment Tax in the United Provinces, it is stated that the Provincial Government may make rules for the exemption of any person or class of persons from the operation of this Act, or to give remission wholly or in part from the tax payable under this Act, in favour of a person or a class of persons. There is also an exactly similar provision in the Central Provinces Act, and in our own province in the Electricity Duty Act and the Amusement Tax, too, we have got this same provision for making an exemption. In this case, it is particularly emphasised because, as I have already told the House, we propose to give marginal relief to persons who come under this Act. For that reason it is absolutely necessary that Government should have the power to give such relief——

Mr. HUMAYUN KABIR: How are you to know about marginal relief? Only a list will be supplied by the Income-tax Department.

The Hon'ble Mr. NALINI RANJAN SARKER: We shall have to give on occasions refund to those tax-payers whose income-tax assessment is cancelled after payment of the tax. For these two

reasons, I cannot accept the amendment. But I can assure the House that there is no other intention but to grant only legitimate exemptions which are necessary for the purpose and for which provisions are usually made in every such Act.

Mr. E. C. ORMOND: Mr. President, Sir, this is the first time that we have heard of marginal exemption, I am speaking for myself and not speaking for the group to which I have the honour to belong, because it is a matter which has not appeared in any amendment or in the Bill, and speaking entirely for myself, I see no objection or reason in having any marginal exemption in a Bill of this nature. People have already been exempted up to a limit of Rs. 2,000. All people under this limit have already been exempted. What is the point then in considering that that limit is not sufficient and that some other relief should be given to the people who are on the border line? What hardship is there that every body who are on the border line? What hardship is there that every body should pay at a flat rate who is liable to pay at all? Apart from the whole question of marginal relief, this will throw on Government a lot of extra work which, speaking personally, I do not consider will be justified or will be worth while. But apart from that, on the face of it, now speaking for the whole group to which I have the honour to belong, one would have at first thought that there would be no necessity for any exemption at all. The Hon'ble Finance Minister has not given us any very cogent reason for this exemption. He only says that it is "usual" in Acts of taxation to have reserved to Government a power to give exemption and remission as they think fit. Sir, it may be usual in certain Acts such as the Acts in the United Provinces which however we do not recognise as valid Acts in Bengal, nor do we know whether they would be recognised by the Federal Government as valid Acts or not. It may be usual in certain other minor Acts, but I equally can quote examples where it is not usual. I have never heard of its being suggested that it is usual for an Income-Tax Act to have a clause saying that Government is empowered to make such exemptions as they think fit, in favour of such and such individuals and classes of persons as they think fit. It may exist, but I am for the moment not satisfied whether it exists or not, but certainly it does not in all such Acts. But if the Finance Minister finds it necessary to have this clause, we do not wish to oppose him to this extent if he would be good enough to see to it that the rules which will be framed in regard to exemption will be laid before the Legislature, and the Legislature will have the power to ratify or to veto those rules.

Mr. PRESIDENT: There is a specific amendment to this effect in amendment No. 56.

Mr. E. C. ORMOND: Yes, Sir, there is another amendment, but you will see the difficulty that members will be in when they have to vote on this amendment, and unless they have an indication that Government are agreeable to accept the other amendment they do not know whether to vote for or against this amendment. We on this side of the House do not wish to be obstructive to the Government. In respect of this Bill, we have given full support to the Government in another place and we have given full support to it in this place too, but we would only ask them whether they would meet us on the matter of these exemptions. Because when we come to discuss the rules, I expect that many members will be anxious to point out that it is taking away from the powers of the Legislature if you give Government wholesale rule-making powers without reference to the Legislature.

Mr. PRESIDENT: Is the Finance Minister in a position to give an indication of Government's attitude in respect to amendments Nos. 55-56 regarding the approval of the Legislature of the rules to be framed by the Government on this subject?

The Hon'ble Mr. NALINI RANJAN SARKER: I cannot accept those amendments, Sir. But I suggest that I can accept an amendment like this—subject to the condition of previous publication in the official Gazette. That is to say, that the rules framed by Government will be published in the official Gazette for information. Hitherto no such rules have ever been placed before the Legislature for getting their approval. All that I can say is that we shall publish the rules in the *Calcutta Gazette* and if the members of the Legislature find them unworkable or objectionable, they can then bring them to the notice of the House and try to get them repealed.

Mr. PRESIDENT: The question before the House is that clause 7 be omitted.

(The motion was negatived.)

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I beg to move that in clause 7 of the Bill for the word "prescribe" the words "frame rules subject to the approval of the Provincial Legislature" be substituted.

Sir, I am thankful to Mr. Ormond who has already given a hint of his views on my amendment. Rules are always framed by Government in consonance with the spirit of the Act passed. I also admit that approval of the Legislature has not generally been taken on them for such rules. In clause 9 Government have taken to themselves rule-making powers, which are usual, but this rule-making power for

making exemptions is quite a special power, and Mr. Ormond has already observed that in clause (3), Government has the power to exempt certain classes of persons. Apart from this clause, if Government also want another power to frame rules to exempt some persons or classes of persons from the operation of this measure, they must secure the approval of the Legislature. The Finance Minister has said that the rules will be published in the Gazette. But, Sir, that is done in the usual way and there will be nothing new in this case. Whenever rules are framed in connection with an Act, so far as I know, they are published in the Gazette and public opinion is asked for; so, that is nothing new. But what we want is that the rules that Government may make with regard to exempting certain classes of persons from the tax or with regard to the remission of the tax should be published and be placed in this House for the approval of the Legislature. In this connection, I may say that in England and other advanced countries this sort of rules always without exception is placed for the approval of the Legislature, for there might naturally be present among the people an apprehension of partial treatment by the Government in some cases. It may not be done in this country, but in England and other countries that is the practice strictly followed. With these remarks, Sir, I place my proposal before the House.

Mr. PRESIDENT: Amendment moved: that in clause 7 of the Bill for the word "prescribe" the words "frame rules subject to the approval of the Provincial Legislature for", be substituted.

Khan Bahadur ATAUR RAHMAN: In this connection, Sir, I beg to point out that the Government of India also has got similar powers of making exemptions under the Income-tax Act. In section 60 of that Act there is such a provision, but I am afraid the Government of the day is quite different. It is a party Government. Some time later, a Congress Government may be in power in Bengal and they may then lay down that all Congress members are exempt from this tax. So, it is better that there should be a limitation on the powers of the executive authority, and if the rules framed by the Government are put up to the Legislature and they get a voice in its approval, I think the matter will be much more smooth-sailing.

Mr. E. C. ORMOND: Mr. President, Sir, this question of the amount of delegating authority which is going to be given by the Legislature to other bodies or to the Executive Government to make their rules is one which will become of increasing importance. In regard to rules made under Acts of the Central Legislature, there are certain safeguards already laid down in the Indian General Clauses Act in relation to the making of rules which are such as are stipulated to be under

the Act under which they are made only to be made subject to prior publication. If that stipulation is made in an Act of the Central Legislature, then all the safeguards of section 23 of the Indian General Clauses Act automatically apply. But speaking subject to correction, this is a matter which has not been given, so far as I know, the attention which it deserves. There are no such safeguards in relation to rules made under Acts of the Provincial Legislatures. It is for that reason that we, Sir, want to be careful—possibly hon'ble members opposite may think that we are being unnecessarily careful—but the future will show whether that is correct or not. Our view is that in this matter, it is necessary for us to be careful not to delegate wholesale rule-making powers without reasonable safeguards, and it is for that reason among others that the group to which I have the honour to belong support this amendment.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I am very sorry that I cannot accept this amendment for the simple reason that rule-making powers belong to the executive authority. It cannot be delegated to the Legislature. I do not know of any form by which the opinion of the House is taken in the matter of rule-making. If I take it as a resolution, it is not binding on the Government. But what is usual in every Legislature is that rules are published and if a member thinks that it is not to his satisfaction, he can bring in either in the form of a Bill or in any other recognized form a motion to repeal that particular rule. The whole point is that the executive should not do anything secretly. If, for instance, we make a rule that all the Ministers are exempted or all members supporting the Government are exempted, then you will get from the Gazette that we are doing that sort of thing and you can put pressure on us. But by merely having the power of approval of the rules, the matter will not be much improved.

I appeal to Mr. Ormond not to insist on this point. That will create a very bad precedent for this reason that every rule will have then to come to the Legislature for its approval. Further, if one Legislature among the two is agreeable and another is not, then we shall have again to go to the Legislatures and have a joint meeting. All these things will take time. This is a Finance Bill. With regard to a Finance Bill, I expect the House not to approve of such dilatory methods by which it will be very difficult to work out this Bill in a short time. If we cannot prescribe the rule without the approval of the Legislature, it will take time. In one session we will have to make rules and possibly it will come to the Lower House, and in another session it will go to the Upper House, and in that way, much time will be lost and I shall not be able to give effect to the Bill this year. Under these circumstances, I think the European group

will reconsider their decision and withdraw their objection. Nothing will be done secretly. Everything will be open and they can take exception at the time when they find that we are making such rules that the executive authority is being misused.

Mr. E. C. ORMOND: Sir, on a point of personal explanation, if I may have your indulgence. When the question of the approval of the Legislature is referred to, I would suggest that that approval would be perfectly clearly expressed if the rules were simply laid on the table and if it was provided that if no objection was taken within 60 days they would be taken to have approved of that rule. I understand that it is the common practice in England for rules to be laid on the table. Of course, it is only in relation to such Bills where the clause is put in the Bill, but where the clause stipulates for a condition that the approval of the House may be obtained, I understand it is the common practice that the rules are laid on the table and if there is no objection within a certain period, they automatically come to have the effect of law. If that was done, as far as I can see, the Hon'ble the Finance Minister would have no inconvenience in this matter if they were taken to be law after 60 days of their being laid on the table of both the Houses.

Mr. PRESIDENT: Order, order. The question before the House is that in clause 7 of the Bill for the word "prescribed", the words "frame rules subject to the approval of the Provincial Legislature for" be substituted.

The House divided.

AYES—25.

Rai Bahadur Keshab Chandra Banerjee.
Mr. H. C. A. Hunter.
Rai Bahadur Manmatha Nath Bose.
Mr. Shrish Chandra Chakraverti.
Mr. Moazzemali Choudhury.
Mr. Humayun Reza Chowdhury.
Mr. Lalit Chandra Das.
Mr. Bankim Chandra Datta.
Mr. Kamini Kumar Dutta.
Mr. W. F. Scott-Kerr.
Mr. Kanai Lal Goswami.
Mr. Humayun Kabir.
Mr. H. G. G. Mackay.
Rai Bahadur Brojendra Mohan Maitra.
Mr. W. B. G. Laidlaw.
Mr. Naresh Nath Mookerjee
Dr. Radha Kumud Mookerji.
Mr. E. C. Ormond.
Mr. Ranajit Pal Chaudhuri.
Mr. Nagendra Narayan Ray.
Rai Sahib Indu Bhusan Sarkar.
Rai Sahib Jatindra Mohan Sen.
Mr. Saileswar Singh Roy.
Rai Bahadur Surendra Narayan Sinha.
Raja Bhupendra Narayan Sinha Bahadur, Nashipur.

NOES—22.

Khan Bahadur Naziruddin Ahmad.
Mr. Meebahuddin Ahmed.
Mr. Nur Ahmed.
Mr. Kader Baksh.
Dr. Arabindra Barua.
Khan Saheb Abdul Hamid Chowdhury.
Mr. Khorshed Alam Chowdhury.
Khan Bahadur Rezzakul Haider Chowdhury.
Mr. D. J. Cohen.
Khan Bahadur S. Fazal Ellahi.

Nazabzada Kamruddin Haider.
Khan Bahadur Syed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Khan Bahadur Syed Muhammad Ghaziul Huq.
Khan Bahadur Maulvi Muhammad Ibrahim.
Alhadj Khan Bahadur Shaikh Muhammad Jan.
Khan Bahadur Muhammad Asaf Khan.
Maulana Muhammad Akram Khan.
Khan Sahib Subidali Molla.
Mr. Mukleour Rahman.
Mr. K. C. Roy Choudhury.
Khan Bahadur M. Shamsuzzoha.

(The amendment was carried.)

Mr. PRESIDENT: The House now stands adjourned till 2-15 to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 12th May, 1939.

Members absent.

The Council then adjourned till 2-15 p.m. on Friday, the 12th May, 1939.

(1) Mr. Narendra Chandra Dutta.

(2) Alhadj Khwaja Muhammad Esmail.

(3) Khan Bahadur M. Abdul Karim.

(4) Begum Hamida Momin.

(5) Rai Bahadur Satish Chandra Mukerji.

(6) Mr. H. P. Poddar.

(7) Rai Bahadur Radhica Bhusan Roy.

(8) Mr. D. H. Wilmer.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 12th May, 1939, at 2-15 p.m., being the eighth day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Introduction of Urdu in schools.

47. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (a) Is the Hon'ble Minister in charge of the Education Department aware of a strong feeling amongst the Bengal Muhammadans about the necessity of providing Urdu as a compulsory subject for all Muslim students of secondary schools in Bengal from class IV to class VII?

(b) Does he propose to introduce Urdu as a compulsory subject for Muslim students in secondary schools?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes.

(b) The question is a complicated one, but is receiving the attention of Government.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister consider the desirability of considering Hindusthani as a compulsory subject?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. LALIT CHANDRA DAS: Why not, will the Hon'ble Minister please give his reasons?

The Hon'ble Khwaja Sir NAZIMUDDIN: It must be either Urdu or——.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please give reasons for his answer?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is, Sir, my own opinion on the subject.

Mr. LALIT CHANDRA DAS: Is it not desirable to teach Hindusthani as a compulsory subject when all other provinces are doing the same?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is a very controversial question and cannot be answered through interpellations.

Khan Bahadur SYED MUAZZAMUDDIN HOSAIN: Is the Government aware that Urdu for Muhammadans and Hindusthani for Hindus have been made compulsory in Madras?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I am not aware of it.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Is it a fact that in some districts of Bengal, Hindusthani is spoken instead of Urdu?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. HUMAYUN KABIR: Is it not a fact that Moslem students very often suffer because they have to read an unduly large number of subjects?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, that this question does not arise out of this.

Mr. HUMAYUN KABIR: With reference to (*b*), will the Hon'ble Minister consider the possibility of introducing Hindi or Urdu whatever may be the case as an alternative to one of the classical languages instead of making it a compulsory subject?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think that is the general idea on this subject. If Urdu has got to be made compulsory, it can only be made as an alternative second paper—certainly.

Private searches of records in District Registration offices.

48. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department kindly state whether it is a fact that private searches of old records without Government fees are done in the District Registration offices of Alipore, Jessore, Khulna, Howrah, Midnapore, Mymensingh and Dacca?

(*b*) If the answer be in the affirmative, will the Hon'ble Minister be pleased to state what actions are taken or are intended to be taken by the Government? If not, why not?

(*c*) Will the Hon'ble Minister kindly state whether it is a fact that sometimes documents are registered without sufficient stamps in Registry offices at Calcutta, Alipore, Burdwan, Nadia, Pabna and Jessore?

(*d*) If the reply to clause (*c*) is in the affirmative, what steps are being taken by the Government?

(*e*) If the reply to clause (*c*) is in the negative, does the Hon'ble Minister propose to make an enquiry into the matter by the expert officers? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) I have no such information. The Inspectors of Registration Offices and the Registrars concerned have, however, been asked to report.

(*b*) and (*d*) Do not arise.

(*c*) No case of the kind was ever reported to Government. Checking of documents to ascertain the sufficiency of stamps is one of the most important preliminaries to registration of a document. Documents are impounded when insufficiently stamped. The Registrars concerned have, however, been requested to report.

(*e*) The Inspector of Registration Offices during his inspection of offices examines every year the volumes at random to see that the documents registered were duly stamped. His attention has been drawn to the question and he has been asked to exercise a more effective check in the offices concerned in this connection.

Religious education in primary schools.

49. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Is the Hon'ble Minister in charge of the Education Department aware of a public feeling about the inadequacy of provisions for religious education in the free primary schools?

(*b*) Is the Hon'ble Minister aware that Muslim public feeling is against the discontinuance of the aid to *maktabs* without proper arrangements being made for religious education of the Muslim pupils on the lines now in vogue in the *maktabs*?

(*c*) Will the Hon'ble Minister kindly state the policy the Government proposes to adopt in the matter of imparting religious education in primary schools?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) and (*b*) I am aware of such feelings.

(*c*) Government will try to ensure that as far as practicable facilities for religious education are available in primary schools. Provision for religious instruction has already been made in the new curriculum for primary schools and also in the curriculum of training schools for primary school teachers.

Khan Bahadur SYED MUAZZAMUDDIN HOSAIN: Does the Government contemplate increasing the number of weekly hours for religious education under the Primary Education Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. I do not think it is necessary.

Khan Bahadur SYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister please state how without doing so he can provide for more religious education?

The Hon'ble Khwaja Sir NAZIMUDDIN: In the original scheme it was contemplated that certain hours in a week will be reserved for religious instruction.

Khan Bahadur SYED MUAZZAMUDDIN HOSAIN: In the Act it is only 3 hours a week, not more than that.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, that is so.

Dr. RADHA KUMUD MOOKERJI: Arising out of answer (*c*), may I know whether primary schools where religious education is proposed to be imparted will be denominational schools according to the needs of the two communities, Hindu and Muhammadan?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as primary schools are concerned, they are not confined to any particular community. Muktabs have got special curricula. They are also open to the boys of other communities. But I do not follow the actual purport of the question of the hon'ble member.

Dr. RADHA KUMUD MOOKERJI: My question is: if you are going to impart religious education in the primary stage, I want to

know whether this religious education will differ according to community; if so,—if these religious differences are recognised, whether Government contemplate denominational primary schools as has been done in many countries?

The Hon'ble Khwaja Sir NAZIMUDDIN: There will be no denominational primary schools, but religious instructions will be given according to the religious belief of the students—Moslems will be given religious instruction and Hindu boys either moral teaching or any kind of Hindu religious instructions that can be advised for them.

Dr. RADHA KUMUD MOOKERJI: Within the same organisation?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Education cess in Chittagong.

50. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state for what period of time the realisation of education cess in the district of Chittagong has been suspended by him and why it has been so suspended?

(*b*) Is it a fact that several telegrams and resolutions were sent to the Chief Minister from several leading gentlemen and meetings of leading citizens of Chittagong earnestly requesting him not to suspend the realisation of education cess in Chittagong and not to yield to a bogus agitation started by a very few interested persons?

(*c*) Is it a fact that the District Magistrate of Chittagong did not recommend the suspension of the realisation of education cess in Chittagong?

(*d*) Is it a fact that during the stay of the Hon'ble Chief Minister at Chittagong in January last he was requested through addresses presented on behalf of several influential public associations as well as by influential leaders of Chittagong to rescind the order suspending the realisation of education cess in the district of Chittagong? If so, what action or actions does the Hon'ble Chief Minister propose to take in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Last year in view of economic distress the realisation of education cess in the district of Chittagong was suspended until further orders. Instructions have now been issued to the Collector of the district for collection of the cess with effect from the 15th April, 1939.

(*b*) to (*d*) Do not arise.

Public Accounts Committee.

51. Mr. KAMINI KUMAR DUTTA: (*a*) Is the Hon'ble Minister in charge of the Finance Department aware that there is a statutory provision under the Government of India Act, 1935, enjoining the provincial Governments to get a Public Accounts Committee appointed for scrutinising the estimates of expenditure out of the Provincial Revenues and to submit their reports before their respective legislatures?

(*b*) Will he please state whether any such Public Accounts Committee has been functioning in Bengal since the inauguration of the provincial autonomy?

(*c*) If not, will the Hon'ble Minister be pleased to state why no attempt has been made up till now to fulfil this statutory obligation in this province?

(*d*) Will the Hon'ble Minister inform the House as to whether he will take immediate steps to get such a Public Accounts Committee appointed in this province?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) There is no statutory provision for a Public Accounts Committee. There is statutory provision in the Government of India Act, 1935, for the laying of Audit Reports before the Provincial Legislature.

(*b*) No.

(*c*) and (*d*) The earliest audit reports in respect of which the Legislature under the Government of India Act, 1935, has jurisdiction are those for the financial year 1937-38. The appropriation accounts and audit reports in respect of that year were received in February, 1939, and in pursuance of a resolution carried in the Bengal Legislative Assembly at its meeting held on the 27th February, 1939, regulations governing the procedure for election of members to the Committee on Public Accounts by the members of the Bengal Legislative Assembly under sub-rule (2) of rule 62 (section 124 of the Bengal Legislative Assembly Rules and Standing Orders) are now under preparation.

Land Revenue Settlement.

52. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Revenue Department kindly state—

(*a*) whether there is provision for annual alluvion and diluvion enquiry in *khas mahal* and also whether Collectors have power to assess alluvial formations and to allow reduction in rent for diluvion;

(*b*) whether such enquiries are annually made by *khas mahal* staff and actions taken thereon;

(*c*) if the answer to clause (*b*) be in the affirmative, whether it is at all necessary to maintain a separate revisional staff under Director of Land Records for Land Revenue Revisional proceedings;

(*d*) whether in the course of Land Revenue Revisional proceedings rents are being enhanced by changing classification of land;

(*e*) what is the Budget allotment for cost of the Land Revenue Settlement in 1939-40; and

(*f*) what is the aggregate revenue of the estates which will be under the Land Revenue Settlement during the current year?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Revenue Department the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) and (*b*) Yes.

(*c*) Yes, the necessity arising from the facts, viz., (*i*) that similar enquiries are not made in estates not under direct management of Government; (*ii*) that it is possible in some cases to revise land revenue without enhancing *raiyati* rents; and (*iii*) that it is very necessary to reduce rent levels where considered too high.

(*d*) Rents are being adjusted only in alluvial areas on account of changes in classification according to the old rates, but such adjustments are resulting more in reduction than in enhancement of rents.

(*e*) Rs. 1,77,000.

(*f*) A statement is laid on the table.

Statement referred to in the reply to question No. 52, showing the aggregate revenue of the estates taken by Land Revenue Settlement during the current year, i.e., 1939-40.

District.	Rs.
1. Mymensingh	1,066
2. Nadia	11,599
3. Dacca	7,174
4. Tippera	10,669
5. Malda	3,514
6. Midnapore	6,524
7. Murshidabad	7,184
8. Bakarganj	1,11,253
9. Faridpur	53,555
10. 24-Parganas	54,415
11. Khulna	1,00,766
12. Jessore	1,110
	3,68,829

Khan Bahadur SYED MUAZZAMUDDIN HOSAIN: Arising out of answer (*c*), that similar enquiries are not made even in estates not under direct management of Government, and that even in the permanently-settled estates alluvion and diluvion occur and certainly Government does not undertake any revisional operations, in view of all this why is it necessary to do so in the case of temporarily-settled estates?

The Hon'ble Mr. NALINI RANJAN SARKER: I am sorry, Sir, that, accidentally, I find myself involved in a technical question. Therefore I must ask for notice.

Khan Bahadur SYED MUAZZAMUDDIN HOSAIN: Sir, as I have got several other questions to put on this subject, shall I get a similar answer? If so, may I ask that this question may be put off till another day when the Minister in charge of the Revenue Department will be present in the House?

Mr. PRESIDENT: You will be allowed to put supplementary questions the next day.

The Secretary will please read the message received from the Lower House.

Message from the Secretary to the Bengal Legislative Assembly.

The SECRETARY to the COUNCIL (Mr. K. N. Mazumdar): Sir, the following message has been received from the Secretary, Bengal Legislative Assembly:—

"In conformity with the requirements of rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Calcutta Municipal (Amendment) Bill, 1939, as passed by the Assembly on the 11th of May, 1939, together with 150 copies of the Bill, and to state for the purpose of rule 36 of the Bengal Legislative Council Rules, that the Bill was referred to a Select Committee of the Assembly before it was passed.

I am further to state that the Calcutta Municipal (Amendment) Bill, 1939, was sponsored by the Nawab Khwaja Habibullah Bahadur, of Dacca. A copy of the Statement of Objects and Reasons is enclosed herewith."

I hereby lay on the table the Calcutta Municipal (Amendment) Bill, 1939, which has been passed by the Bengal Legislative Assembly at its meeting held on the 11th of May, 1939.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to give notice that I shall move the following motion in the current session of the Bengal Legislative Council, namely, that the Calcutta Municipal (Amendment) Bill, 1939, as passed by the Legislative Assembly be taken into consideration, and that the Bill as settled in Council be passed.

Several hon'ble members: Sir, we have not yet got any copy of the Bill.

Mr. PRESIDENT: Well, they are now being distributed and perhaps by this time they are now in the hands of the hon'ble members.

GOVERNMENT BILLS.

The Bengal Finance Bill, 1939.

Mr. PRESIDENT: Order, order. The House will now resume further discussion of the Bengal Finance Bill, 1939.

Mr. HUMAYUN KABIR: Sir, I beg to move that in clause 7 of the Bill, the words "person or" wherever they occur, be omitted.

Sir, the purpose of my amendment is very simple. The clause reads: "The Provincial Government may prescribe the exemption of any person or class of persons from the operation of this Act, or the remission, in whole or in part, of the tax payable under this Act by any person or class of persons." This has been amended to some extent by a motion which was carried in this House yesterday, under which the rules of exemption to be framed by Government will be subject to the approval of the Provincial Legislature. The amendment which I have now moved only wants to make it clear that the exemptions which are proposed to be granted should be to "classes of persons," and in support of this I might say that it is a general principle of law that law has general application. Law is never made for particular instances and therefore I do not understand why any person or individual should be in this way mentioned in the course of this draft Bill.

The Hon'ble Finance Minister read to us yesterday certain drafts of certain other Legislatures, but I do not think that simply because some other Legislatures may have also included the word "person" in the draft which they have prepared, it is any argument that it should be accepted in an Act which is meant to be general. Further, Sir, I would suggest that the omission of the words "person or" will not in any way defeat the purpose of the clause. For, I take it that wherever any exemption is made, it will be made in virtue of

certain characteristics, either because he has a certain income level or because a professional man derives income from his profession or from whatever other source it may be, but in any such case, the exemption, if it is to be applied at all, should be applied generally. My amendment is moved for the purpose that the executive should not have the power in their hands of making exemptions in the case of individuals. If any exemptions are made, they should be general exemptions. With these words, Sir, I beg to move my amendment.

Mr. PRESIDENT: Amendment moved that in clause 7 of the Bill, the words "person or" wherever they occur, be omitted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, this will be hard on persons who would be entitled to refunds on account of income-tax assessment if subsequently cancelled or to those who deserve marginal relief. That is why I oppose the motion.

Mr. PRESIDENT: The question before the House is that in clause 7 of the Bill, the words "person or" wherever they occur, be omitted.

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that clause 7 as amended stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in clause 8 of the Bill, after the word "such" in line 3, the word "judicial" be inserted.

Sir, the other section gave authority to Provincial Government to appoint an officer for the purpose of taxing persons and also imposing penalty or remitting the same. Clause 8 deals with the appeals. "Any person aggrieved by any order passed under sections 3, 5 or 6 of this Act may, within thirty days from the date of its receipt by him, appeal to such officer as the Provincial Government may authorise in this behalf, who shall pass on such appeal such order as he may think fit, and such order shall be final." My amendment will mean that the appeal should be to a judicial officer who may be authorised in this behalf by the Provincial Government. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved that in clause 8 of the Bill, after the word "such" in line 3, the word "judicial" be inserted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this amendment. This amendment is opposed to the established principle which keeps the judiciary out of the administration of taxation. The ordinary civil jurisdiction of the court will remain and it would be entirely wrong to make them part of the executive in this matter. This is not usual in Bills of this nature. In the C. P. Bill and U. P. Bill exactly similar provisions have been inserted. So, I oppose this amendment.

Mr. PRESIDENT: The question before the House is that in clause 8 of the Bill, after the word "such" in line 3, the word "judicial" be inserted.

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that clause 8 stand part of the Bill.

(The motion was agreed to.)

Clause 9.

Mr. PRESIDENT: There is a short-notice amendment of Khan Sahib Abdul Hamid Chowdhury to this clause.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg leave to move that in sub-clause (*1*) in clause 9 after the words "Government may" the words "after previous publication" may be inserted.

Sir, in the course of the discussion of the amendment which was moved by our hon'ble colleague the Raja Bahadur of Nashipur yesterday, the Hon'ble Minister in charge of the Bill was pleased to announce that no rule would be framed without previous publication and without giving all persons affected thereby an opportunity to have their say. On hearing the Hon'ble Minister, I was feeling a curiosity to know the Government position. Then on referring to the General Clauses Act, I find that without specific provisions in the Bill such assurance has little value as in the absence of such specific provisions section 24 of the Bengal General Clauses Act, 1899, does not come into operation and Government is not bound to publish the draft rules with a view to eliciting public opinion thereon and I do hope that if the Hon'ble Finance Minister sticks to his word and if what he stated is actually the Government policy and intention, he will have no hesitation in accepting my amendment. It was also clear from the result of the voting on the amendment moved by the Raja Bahadur that this House is very anxious to have a say in the matter of the rules which may be framed under this Act. With these few words, Sir, I commend my amendment to the acceptance of this House.

Mr. PRESIDENT: Amendment moved that in sub-clause (*1*) in clause 9 of the Bill after the word "Government may" the words "after previous publication" be inserted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I may accept this amendment if it is worded as follows "after previous publication in the Official Gazette".

Mr. PRESIDENT: That is a verbal amendment. Is Mr. Abdul Hamid Chowdhury prepared to accept it?

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I have no objection to accept this. Moreover, I must say that it is clear in section 24 of the General Clauses Act that by publication is meant publication in the Gazette.

Mr. PRESIDENT: The question before the House is that in sub-clause (*1*) in clause 9 of the Bill after the words "Government may" the words "after previous publication in the Official Gazette" be inserted.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that clause 9 as amended do stand part of the Bill.

(The motion was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is that the Title and Preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Bengal Finance Bill, 1939, as settled in the Council be passed.

Mr. PRESIDENT: Motion moved that the Bengal Finance Bill, 1939, as settled in the Council be passed.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I rise to oppose the passage of this Bill into an Act of the land. The Bill if passed into law will strike hard the great middle class Hindus and Moslems alike. Our Finance Minister, himself a rich man, can hardly realize to what straits they have fallen. We know how in several cases incomes much beyond what they earn are fancied and taken as the basis by the

authorities for imposition of income-tax. They silently suffer. Many lawyers, many doctors, many traders who earned a good deal can hardly earn now even a quarter of what they used to do. All this is due to the operation of the Debt Settlement Boards and other recent Acts resulting in economic depression through which the country is now passing. But the income-tax once imposed continues like a nightmare on the tax-payer with his ever dwindling income. And now like a thunderbolt from a blue sky, this atrocious Bill has been hurled on his head.

Sir, even those who really earn 2 to 4 thousand a year are not unoften found to be debtors and at the same time income-tax-payers. All of them have got very large families to maintain. They have got their daughters to marry and sons to educate. They have to pay income-tax, municipal rates and several other local demands. After paying all these and meeting the ordinary expenses for food and clothing, it is found at the end of the month that they are in deficit. At such times and in such conditions, Sir, they will be called upon to pay a flat tax of rupees thirty equally with those who drive a Rolls Royce, live in the wind of fashion and play with the toy of the hour. Can anything be more monstrous? Sir, here both justice and morality have been outraged. Sir, let it be known that we are not averse to addition being made to the provincial revenues. You can add to your revenues without subterfuges by levying a straight tax on profession, trades, callings and employment say in the nature and form of a licence tax to carry on those callings—you can add to your revenues by taxing the agricultural income—you can add to them by a sale tax and taxing all luxuries. There are so many different ways of doing so. But we urge that the ways and means must be just and fair. It is unjust to tax both the rich and the poor alike. It is unfair to impose a tax without a just programme of expenditure for the same. Increase for the sake of increase in revenue cannot be justified by any canon of justice and fair play and yet in the Statement of the Objects and Reasons of the Bill, reasons have found no place in it. We tried to elicit the information whether the money thus raised will be earmarked for any definite Nation-Building subjects. As yet, we have failed to get a proper answer save and except vague generalization.

Sir, Finance Bills by their nature are ordinarily temporary and renewable yearly on just and proper reasons being shown for them. Here the order is reversed. Here is a Bill which is sought to be made permanent as if to perpetuate the inequity apparent on the very face of it.

If really under certain conditions, e.g., the Federal Court's decision being favourable, the Finance Minister intends to introduce a Bill for a graduated tax and thus undo the wrong now imposed, why on earth does not Government wait till those conditions were fulfilled? You

have no programme yet to require you to add to the revenues. And then as the thing is bad in all conscience—an ungraduated tax for all income-tax-payers irrespective of their incomes, why did not the Government agree to make it at least temporary? On this side of the House, we gave Professor Humayun Kabir's motion to restrict the life of the Bill to one year all our support. The Government would have sustained a defeat but for its frantic efforts to avert it.

Sir, when the United Provinces decided to impose such tax, the Congress Government there refused to be a party to an apparent wrong. They thought that if they have the power to levy a flat tax, they can also impose a graduated tax on professions, trades, callings and employments. An ungraduated tax will be an unmitigated wrong whereas a graduated tax will cause little hardship and may even bring more revenue. So they took to the path of virtue and braved the Federal Court's decision. Is it that our Ministers must have money at any cost however dubious the course is? Is it a pointer? Must this be the difference between this Ministry and a Congress Ministry? If you imitate the United Provinces Ministry, your imitation should have been whole-hearted unalloyed, full and complete.

Sir, the Government opposed the circulation of the Bill knowing all the time that it is going to be a permanent measure. They opposed the motion pretending all the time that they act according to the wishes of the people. Must not the people who are going to be taxed and taxed permanently have their say on this Bill?

Secondly, Sir, the Government opposed the attempt of the House to make it temporary.

Thirdly, Sir, when my friend Mr. Abdul Hamid Chowdhury attempted to bring them to the path of virtue by asking them to agree to a graduated tax, this also the Government opposed with all the vehemence at their command.

Fourthly, the attempt to raise the taxable minimum also failed. If the Finance Minister would have agreed to raise the taxable minimum to Rs. 5,000, he would have redeemed partially at least his pledge to tax the rich only but he has taxed the poor as well along with the rich and taxed them equally.

Sir, the Government stated one thing in the Preamble of the Bill and acted quite contrary to it in section 3 of the Bill. So far as the Preamble is concerned, the Government has taken the words verbatim from item No. 46 of List II of the Seventh Schedule to the Government of India Act, 1935. A provincial government is quite competent to legislate on it, viz., to tax a profession, trade, calling or employment. But, Sir, when a person following any of these will pay a flat tax on his last year's earnings of Rs. 2,000 and above, and another, following the same profession but earning less than Rs. 2,000, will escape the tax,

it becomes apparent that the tax is not on the profession, trade, calling or employment but on his earnings thereon. Section 3 is in conflict with the declared Preamble of the Bill and in my opinion has brought it within the mischief of item No. 54 of the Federal List No. 1 of the 7th Schedule to the Government of India Act. Section 100 of the Government of India Act is therefore a bar to this legislation. This Act besides causing great hardships to the comparatively poor middle class people will be a source of endless litigation. And who knows, the money collected under this Act will not have to be refunded or given over to the Government of India?

Sir, the Government of India is taking a huge amount of money as income-tax from Bengal. Bengal is not getting a proper and just share of the same. The contributions by the Government of India to the Bengal Government out of the income-tax derived from Bengal should at least be three-fourths of what they take. In my view, the income-tax with the Jute tax should be made wholly provincial. This is exactly a case which is to be fought out by a Government which knows its own business, with a proper and just presentation of facts, and figures, needs and necessities of the Province, with the Central Government. Instead of giving them a good fight, a courageous fight, the Bengal Government corresponds with the Government of India for this Bill, as Mr. Sarker has told us in course of his reply to the point of order which was raised against the Bill. Let it be remembered that the operation of this Bill will have the effect of making a person pay twice for his income. You really tax him twice for his income and thus partially make up what you should have got and even more from the Government of India.

In the ultimate analysis, therefore, we are going to suffer for the incompetence of our Government to give a just and courageous fight to the Government of India for full and proper share of the income-tax.

With these words, Sir, I oppose the passage of the Bill into law.

Dr. RADHA KUMUD MOOKERJI: Sir, I very much regret that it is impossible for me to congratulate the Government on this piece of legislation that they are about to pass to-day on the strength of their very ill-gotten majority.

The Hon'ble Mr. NALINI RANJAN SARKER: You will never congratulate this Government whatever they may do.

Dr. RADHA KUMUD MOOKERJI: You have yourself observed, Sir, that it was at best a piece of doubtful legislation; that is to say, a piece of legislation about which there is legal doubt as to whether it should come within the sphere of a Provincial Legislature. Therefore, the Government are not at all above board on this matter of vital

importance to the public. I should have very much wished that their methods were completely outspoken and clean. Why should they take the benefit of doubtful advantage against the public on a matter which affects their welfare? Let them take recourse to an absolutely unimpeachable piece of legislation on which there cannot be cast any doubt. But while I am sorry that the Government in this matter of taxation has not followed open and clean methods; if I may say so, methods which you yourself, Sir, were pleased to observe, almost amounted to a subterfuge—I do not like to use that expression, but I am using it because I am armed with the authority of the Chair. Sir, it is really a piece of subterfuge. Government have been trying to circumvent the Government of India Act and to anyhow pass the Bill in order to serve their immediate interests. They should have the intelligence to produce a more unimpeachable piece of legislation. While, therefore, I cannot congratulate.....(The Hon'ble Mr. NALINI RANJAN SARKER: Do you belong to the Forward Bloc?) Well, Sir, I feel encouraged by this interruption to speak more and more. While therefore I cannot congratulate the Government on the very doubtful and shady methods pursued by them in regard to this piece of legislation, it is rather strange that I find myself forced to congratulate them upon something which they have themselves owned to, namely, that this legislation shows a bias towards Communism. But unfortunately, it is misplaced Communism. The Government, in order to circumvent the Government of India Act, have taken recourse to this piece of communistic legislation which levels down all distinctions of property and treats all properties as if they were equal. They have provided for us a sort of Noah's Arc, a boat on which will be sailing Messrs. Andrew Yule & Co. along with a poor shopkeeper of College Street. It is really a matter of great encouragement to us that the Government is thinking along the lines of Communism in thus ignoring all distinctions of property so far as this taxation measure is concerned. My third point is this: that they had before them the example of a very important Government in the neighbourhood, I mean the example of the U. P. Government, where the Cabinet has got the advantage of the highest legal luminary of the United Provinces, I mean the Hon'ble Minister for Justice, Dr. Katju. With the advantage of his legal ability, the United Provinces Government have framed a comprehensive piece of taxation proposal with a graduated scale of taxation in accordance with sound ideas of public finance. This kind of communistic taxation which has been resorted to by this Government only in order to defeat the Government of India Act will not pay those that do not believe in it. On the contrary, they ought to have been more straightforward in copying the methods of the more enlightened Government of the United Provinces where, as I have said, there is that legal luminary, Dr. Katju, who advised that the United Provinces Government would be perfectly within their powers in having a graduated

system of taxation. Why should not this Government have waited for the consequences that might follow that method of legislation in the United Provinces? Why should they be in a hurry to get a meagre sum of Rs. 12 lakhs only in a Budget involving 13 crores? They are in a very indecent hurry, and in their hurry they have done violence to the Government of India Act; they have given to the public a very bad example showing how the laws of the day can be easily violated and circumvented. They have lent themselves to this piece of doubtful legislation which I do not want to call by a harsher language which even the Chair felt compelled to use, namely, a piece of subterfuge. I therefore feel that this piece of taxation will not realise the object which the Government have in view. Government really want more money and I have full sympathy with them in their need for more money on account of the many nation-building programmes which are starving for want of money. I know the state of provincial finance and I therefore think that this particular bit of legislation will not carry us very far. On the contrary, it has created a very bad precedent, showing how even Government can break laws whenever it suits them.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the motion for the third reading of the Bill. It has been argued from the Congress Benches that this Bill affects the middle classes,—both Hindu and Muhammadan. I submit that it does not affect the lower middle classes or the poorer section. It affects the more affluent section,—the upper middle classes of the population only. In fact, it is only those who have a net income of Rs. 2,000 and upwards that will be required to pay this tax. I may remind the House that we talk of the poorer section, we say that we exist for the poor and that we have come here to do good to the poor. Sir, if we cannot submit ourselves to this amount of taxation, it is idle to talk of ameliorating the condition of the poor. The success of the Finance Minister's scheme depends on the solvency of the people. In fact, through this Bill he wishes every one good luck. He wishes every one success and an income of Rs. 2,000 a year and more, and wishes also Rs. 30 a year to himself. He must give you at least Rs. 2,000 a year to earn his Rs. 30. That is the long and short of the Bill.

With these words, I support the motion, Sir.

Maulana Muhammad AKRAM KHAN: মাননীয় সভাপতি, যে আইনের মুসাবিদার উপর ক'দিন ধোরে বিতর্ক বা বিতণ্ডা হোয়েছে, তাঁর মাত্র ৯টা ধারা। এই ৯টী ধারায় বিচারধারা যে ভাবে প্রযুক্ত হোয়েছে তা দেখে আমি একটু আশ্চর্য্যান্বিত হোয়েছি এবং একটু আনন্দিতও হোয়েছি। তার কারণ হোচ্চে এই যে আমাদের দেশে আজকাল শ্রমিক এবং কৃষাণ আন্দোলন বোলে যে আন্দোলনের অবতারণা হোয়েছে তার মধ্যে থেকে প্রায়ই বলা হয় যে কংগ্রেস প্রতিষ্ঠানটা প্রকৃত পক্ষে হোচ্চে কায়েমি স্বার্থের প্রতিনিধি কতকগুলি বুর্জোয়াদের প্রতিষ্ঠান। আমি কংগ্রেসের প্রতি আমার নিজের পুরাতন আকর্ষণের জন্য এই

অভিযোগ বা অপবাদের প্রতি ভালো কোরে বিশ্বাস স্থাপন কোরতে পারি নি। কিন্তু এই আইনের বিচারকালে কংগ্রেস পক্ষ থেকে বার বার যে মানসিকতার পরিচয় প্রদর্শন করা হোয়েছে—তাতে আমার মনে বিশেষ কোরে এই প্রশ্নই উঠছে যে অতঃপর সেই অভিযোগটা সত্য বোলে বিশ্বাস করা যেতে পারে কি না? প্রথমতঃ দেখা যাচ্ছে যে অন্ততঃ দুহাজার টাকা যাদের আয় তাদের উপর বছরে ত্রিশ টাকা কর স্থাপনের ব্যবস্থা হবে,—এই হলো আইনটার মর্ম্ম। কিন্তু এখানে দেখা যাচ্ছে যে আমাদের কংগ্রেসী বন্ধুরা সেই পুরাতন বুর্জোয়া মানসিকতার প্ররোচণায় এমন ভাবের সব ব্যাখ্যা দিচ্ছেন যে তিন দিন কেটে গেল,—তৈলাধার পাত্র, না পাত্রাধার তৈল, এই কথাটার বিচার নিয়ে। তারপরে আরম্ভ হোয়েছে এই যে দুহাজার টাকা আয়ের পরিবর্ত্তে পাঁচ হাজার টাকা আয়ের উপর ট্যাক্স ধরা হোক,—তাঁদের ন্যায় লোকেরা যেন ট্যাক্স থেকে অব্যাহতি পায়। তারপরে হোয়েছে ত্রিশ টাকা না দিয়ে কুড়ি টাকা দিবার ব্যবস্থা হোক, যাতে অবস্থাপন্ন লোকেরা কিঞ্চিৎ সুবিধা পেতে পারে, তাছাড়া এমনভাবে ব্যবস্থা করা হোক যাতে আইনের মেয়াদ মাত্র এক বছর থাকে।

আমার মনে হয়, গত বৎসর যখন মান্যবর অর্থসচিব মহাশয় বাজেটের কথা পরিষদে উপস্থিত করেন, তখন,—আমার যতদূর মনে হয় অধ্যাপক হুমায়ুন কবীর সাহেব বোলেছিলেন, —বাজেটের উপর আক্রমণ কোরে,—Sir, it is a middle class budget তখন অভিশাপ দেওয়া হোয়েছিলো সেই বাজেটকে, সেটা middle class এর স্বার্থের অনুকূল বোলে। আমার যতদূর মনে হয় বোধ হয় রিপোর্ট দেখলে তাই পাওয়া যাবে। (The Hon'ble Mr. NALINI RANJAN SARKER : হাঁ, উনি তাইই বোলেছিলেন।) তাহলে নিশ্চয়ই তাই। কিন্তু আজ দেখতে পাচ্ছি সেই middle class বাঙালীদের স্বার্থ রক্ষার জন্য কংগ্রেস বেঞ্চের চিরদিনকার সমর্থক অধ্যাপক কবীর সাহেব অত্যন্ত ব্যস্ত। তাই আমরা তাঁর কোন্ কথার কি মতলব কিছু বুঝতে পারছিনে। গভর্ণমেন্টের বিরুদ্ধাচরণ কোরতে হলে—যদি দরকার হয় তাহলে কি একবার বোলতে হবে—"যেহেতু এটা middle class এর অনুকূল অতএব এর প্রতিবাদ কোরছি," এবং আবার বোলতে হবে "যেহেতু এটা middle class এর অনুকূল নয় অতএব এটার প্রতিবাদ কোরছি?" এটা পোলিটিক্যাল ট্যাকটিক্স (political tactics) হিসেবে ভালো হোতে পারে, কিন্তু ন্যায় ও নীতির দিক থেকে সহনীয় জিনিষ নয়।

আমার বন্ধু অধ্যাপক রাধাকমল মুখোপাধ্যায় মহাশয় বিশেষণের সাহায্যে আইনের বিরুদ্ধে বোলতে চেয়ে বরং আইনটাকে সমর্থনই কোরেছেন। "towards communism" এই যে বিশেষণ তিনি প্রয়োগ কোরেছেন তাদ্বারা তিনি কি বোঝাতে চেয়েছেন যে গোপনে গোপনে তিনি আইনটাকে সমর্থনই করেন? তাঁর towards communism কথার তাৎপর্য্য যতটা অনুধাবন কোরতে পেরেছি তাতে অধ্যাপক মুখার্জি সম্বন্ধে এই কথাটাই খাটে যে—

"জানোতো কাহার নাম নাহি লয় নারী
বিশেষণে সবিশেষ কহিবারে পারি।"

এবং তিনি বিশেষণ প্রয়োগের দ্বারা এই আইনটীর যে একজন প্রধান সমর্থক হোয়েছেন সে কথাও নিঃসন্দেহেই বলা চলে।

Mr. HUMAYUN KABIR: Sir, may I speak in Bengali as I think that the speech of Maulana Muhammad Akram Khan was due probably to the fact that he was not able to understand exactly what I meant. I want to give a reply to him.

Khan Bahadur NAZIRUDDIN AHMAD: No, Sir, he cannot. That would be against the statute and against the rules.

Maulana MUHAMMAD AKRAM KHAN: I am quite able to understand your English.

Mr. HUMAYUN KABIR: I admit it may be so but I was not able to fully express myself. I do not suggest that it is his fault. I accept it is mine. But nevertheless, I want to make myself understood.

Mr. PRESIDENT: No, you speak in English.

Mr. HUMAYUN KABIR: There is a rule providing, Sir, that a person incapable of expressing his ideas in English, can talk in any other language. I claim the privilege of that clause, Sir.

Mr. PRESIDENT: Order, order. Professor Kabir, you speak in English.

Mr. HUMAYUN KABIR: Sir, I had no desire to take any part in the discussion this evening, as I thought that all that I had to say in respect of this Bill had already been stated. In moving the amendments and in taking part in the general discussion, I made my position sufficiently clear. But if I may say so, certain unfounded and improper remarks, which were due to the fact that the hon'ble member making these remarks was not able to follow the implications of what I said force me to say a few words in reply. Sir, it is a general principle in respect of legislation concerning financial matters that such legislation is enacted annually. In the British Parliament we find the custom that the Excise Act, Customs Act and Stamp Act are all parts of the annual Budget, and they are all consolidated into one annual Finance Act. Besides, Sir, we find that in other countries also taxation measures are not put permanently on the Statute Book but are renewed from year to year. The reasons for this sort of procedure are two-fold which, I am again constrained to observe, my hon'ble friend who made his speech just now probably does not know; probably he does not know the reason why the custom obtains in practically every country of the world that money bills are put annually on the Statute Book. The first reason is that the Budget of the Government varies from year to year.

The Hon'ble Mr. H. S. SUHRAWARDY: This is irrelevant.

Mr. HUMAYUN KABIR: Sir, the Hon'ble Mr. Suhrawardy is not here to decide the question of relevancy or irrelevancy of my speech. I do not think that he should be usurping the function which this House has placed into your safe hands.

Mr. PRESIDENT: Order, order. You are perfectly relevant.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, on a point of personal explanation. I merely said——

Mr. HUMAYUN KABIR: Sir, I do not yield. I will not give way except on a point of order. Sir, I was saying that probably the hon'ble member who made his speech just now does not know that money matters are dealt with in annual Bills, because the expenditure of the Government varies from year to year and Government always makes provision for money according to its needs. The second reason why money measures are annual Bills is that it gives control over the Executive to the Legislature in money matters. We find that the Government is not given more money than is required from year to year. These were the reasons why it was suggested that this Bill also should be made an annual Bill, and in this way we could have the control over the expenditure. Every year, Government will have to take the sanction of the Legislature before they could ask for money in order to carry out any particular purpose which they might have in their minds. The control could become direct in this way. For, in that case the Government would be forced to frame particular measures and they would be forced to give an account of their stewardship, particularly with reference to the money which may be realized in terms of this Bill.

Then again, Sir, the hon'ble member who has just sat down—I use the term in a strictly technical sense—also said that the last budget of the Government was criticized by me on the ground that it was a middle class budget. I submit, Sir, it was not quite relevant. Neither was it relevant to the issue nor did he interpret me correctly. I have not got the proceedings before me at the moment. Therefore, I do not remember what was the exact form of the words which I used on that particular occasion. But my purpose in criticising the budget on that occasion was that it was a propaganda Budget. It had——

Mr. PRESIDENT: Order, order. Is it necessary to go into all the details of the points made by Maulana Muhammad Akram Khan? You will be perfectly at liberty to advance any reasons for not passing this Bill. You will have a wide range there, but is it necessary to go into every point that was made by Maulana Sahib?

Mr. HUMAYUN KABIR: I accept your suggestion, Sir, particularly because many of the arguments advanced by the hon'ble member do not deserve any reply. Therefore, I shall confine myself to the Bill with which we are concerned here to-day. I have made my position with respect to this Bill perfectly clear to the House and I think the Legislature will never refuse to give money to the Government whenever it has any definite scheme. The Hon'ble Finance

Minister was pleased to say that in his budget he has made clear the purpose for which this money is required. I do not think that this House is quite satisfied about the purposes for which this money is required. Whenever there is any new taxation proposal, the House must be convinced and the public must be convinced that there is a definite demand for the money and that the Government have got a specific proposal and it is only in order to meet those specific proposals that the money is being asked for. I do not think that such a case has been made clearly by the Hon'ble Finance Minister. If he can convince this House that the money which he wants to-day is for ameliorative measures for the province, if there is any constructive programme, we on our side will never hesitate, will not refuse to sanction the money. But he must convince this House. If, on the other hand, money is wanted merely to carry on the routine work of the Government as is very often the tendency, if money once asked for becomes a part of the annual budget and the budget increases year after year, if there is no appreciable change in the policy of the Government, I think the Government have no right to ask for this additional grant. Hon'ble members are aware that Government gave Rs. 30,000 in the personal interest of an individual member of this House and I am sure that hon'ble members will agree that that money was wasted. Well, Sir, if we are going to vote money bills in this House for personal and private reasons, for the benefit of individuals who do not deserve well of the country, for the benefit of individuals who have done definite injury to the cause of the country, I think this House will be within its rights in refusing to sanction this Bill.

Khan Bahadur Maulvi MUHAMMAD IBRAHIM : মাননীয় সভাপতি মহাশয়, একথা ঠিক যে দেশ শাসন কোরতে হোলে টাকার আবশ্যক। টাকা মন্ত্রীরা নিজেদের পকেট থেকে দেবেন না এটাও ঠিক। এবং দেশ শাসন যদি কোরতে হয়—তাহলে দেশের উপর ট্যাক্স না বসালে উপায় নাই। কিন্তু সেই ট্যাক্সটা জনসাধারণের উপর কঠিন না হয়, সেইভাবে ধার্য্য করা দরকার। এবং সেইটা বিবেচনা কোরে যে ট্যাক্স ধার্য্য হয় সেইটেই হলো প্রশংসনীয় ট্যাক্স। বর্ত্তমানে যে ট্যাক্সের আলোচনায় আমরা প্রবৃত্ত হোয়েছি সেটা কাউন্সিলে পাশ হোয়ে গিয়েছে, তা নিয়ে পুনরালোচনা সঙ্গত হবে কি না জানি না, কিন্তু সে আলোচনা কোর্‌লেও কিছু লাভ হবে না।

দ্বিতীয়তঃ এটাকে ট্যাক্সই বলুন আর যাই বলুন—এটা দ্বারা অবশ্য গরীবেরা বিশেষ 'এফেক্‌টেড্‌' হবে না। তবু একটা কথা না বোলে পারিছিনে। হয়তো আমাদের খান বাহাদুর আতাউর রহমান সাহেব অসন্তুষ্ট হবেন। তিনি ইন্‌কাম্‌ ট্যাক্সের ডেপুটি কমিশনার ছিলেন। ইন্‌কাম্‌ ট্যাক্স বিভাগের কর্ম্মচারীরা যাদের আয় হাজার টাকার বেশী নয়, তাদের আয় দুহাজার টাকা ধোরে অনেক সময়ই ইন্‌কাম্‌ দেখিয়ে থাকেন। সেইজন্য আমার বক্তব্য এই যে দুহাজার টাকা আয়ের লোকদের উপর এটা ধার্য্য না করিয়া ৩।৪ হাজার টাকা যাদের আয় তাহাদের উপর ধার্য্য কোরলেই ঠিক হোতো। কতকগুলি যে প্রস্তাব হয়েছে তা সুন্দর প্রস্তাব—সেগুলি কংগ্রেস পার্টি থেকেই হউক বা অন্য পার্টি থেকেই হউক,—কংগ্রেস থেকে হইয়াছে বোলেই যে খারাপ তা [illegible] কোয়ালিশন পার্টি যে প্রস্তাব উপস্থিত

কোরবে—তা যে সব সময়ই ভালো হবে সেকথা বোলতে পারা যায় না। কংগ্রেসী যারা—তারাও কোয়ালিশন পার্টির লোকদের মতই দেশের লোক। তারাও দেশের জন্য চিন্তা করেন। অতএব তিন হাজার টাকার উপর ধরা হোক—এ প্রস্তাবটা যে কিছু খারাপ প্রস্তাব হোয়েছে তা আমার মনে হয় না। কারণ আমি পূর্বেই বোলেছি যে দুহাজার টাকা আয়ের জন্য যারা ট্যাক্স দেয়—তাদেরই দুর্দশা ভোগ কোরতে হয় বেশী। তারপরে যে প্রস্তাব হোয়েছিলো,—যে এ আইনটা এক বৎসরের জন্য হোক, এটাও কিছু খারাপ প্রস্তাব নয়। কিন্তু এটাও ঠিক যে ট্যাক্স বিনা মিনিষ্টারদের উপায় নাই। দেশ শাসন কোরতে হোলেই ট্যাক্সের দরকার। এক বৎসরের জন্য ধার্য্য হলো, যদি বুঝা যাইত আগামী বৎসরের জন্য এই ট্যাক্সের আবশ্যক আছে তবে পুনরায় ধার্য্য করলেই হইত। ফলকথা, এ ট্যাক্সটা যে অন্যায় হোয়েছে তা বোলতে পারি না, কেননা এ ট্যাক্স গরীবকে কিছু 'এফেক্ট' করে নাই। শুধু দুহাজার টাকা আয় যাদের তাদের উপর না ধার্য্য কোরে, তিন হাজার টাকা যাদের আয় তাদের উপর থেকে ধরা হোলে আরো ভালো হোতো।

Mr. KADER BAKSH: Sir, I was not present when Maulana Muhammad Akram Khan spoke and I had no desire to take any part in this debate. But the mood in which my friend Mr. Humayun Kabir spoke, compels me to say something. Sir, he thinks that he is the only man who understands the English language and nobody else does. Sir, he says the Government has not been able to come before the country with any definite policy for which they can demand money. Sir, that is a very old question. He has spoken about it so many times that it has now become a stale story. Without any assured income Government cannot conceive of any definite policy to be taken. If they want to have any definite policy for the amelioration of the country, to improve the condition of the masses for which my friend Mr. Humayun Kabir cries himself hoarse,—he has been crying hoarse, Sir, and attacking Government for lack of a definite policy about primary education, irrigation and rural improvement—my friend should not grudge this money. My friend should have come forward with a definite policy of his own about this uplift of the masses and should also have proposed some taxation himself if he was so keen about ameliorating the condition of the country. But instead of doing that, whenever Government has brought in proposals for taxation, he has become unnecessarily virulent and vindictive, too. It seems, Sir, that he is the only man who can control——

Mr. PRESIDENT: Order, order. I would request the member to avoid personalities.

Mr. KADER BAKSH: But, Sir, I think everybody should be allowed to have a tit for tat. He is a young man, a very educated man but he does not know where he should stop. And he should also have some consideration for old men, and should not attack them in this manner.

Mr. NARESH NATH MOOKERJEE: On a point of privilege, Sir, Are you going to allow these personal squabbles?

Mr. PRESIDENT: Order, order.

Mr. KADER BAKSH: All right, Sir, I will not speak on the subject any more. My appeal to Mr. Kabir would be that he should be a little less impassioned and not attack men in this way.

Mr. PRESIDENT: Order, order.

Mr. KADER BAKSH: All right, Sir, I will not proceed further, but simply end with the statement that I support the measure of the Bill.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, there is a saying that "Inscrutable are the ways of Providence." But after working in this House for the last two years, I find that inscrutable are the ways of the Bengal Congress party in the Upper House? Sir, I have never found that they are pressing for a right cause. They are simple and straight-forward idealists and want to oppose Government in any way they like. Mr. Lalit Chandra Das raised the point of order that we could not impose this tax because it is hit by the Government of India Act. But now he asks us to fight the Government of India Act for income-tax. He wants us to fight the Government of India from whom we cannot get any relief just now. But under the same Government of India Act, according to the Provincial Legislative List, we have got the power to tax professions, trades, callings, etc. And they say that we cannot do it, and that we should have carried on hypothetical battles for more income-tax.

Mr. LALIT CHANDRA DAS: The Hon'ble Minister is misrepresenting me. I also spoke of the Excise tax, Sales tax and Licence tax. Why do you not refer to them?

Mr. PRESIDENT: I would like to make one thing clear that every hon'ble member has a right to put a question, but unless the member speaking gives way he cannot be interrupted. These are procedures which should be followed.

The Hon'ble Mr. NALINI RANJAN SARKER: But, Sir, that is not for the Congress Benches to do.

Mr. LALIT CHANDRA DAS: But, Sir, when an Hon'ble Minister is misrepresenting me what is my remedy unless I interrupt him?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I am coming to that point also. Mr. Das says that he would support a licence tax on persons who carry on trade and commerce but as soon as such a proposal is made, that very moment he will say that even a man earning Rs. 4,000 a year will find it difficult to bear that burden of an additional tax. That is, Sir, what he will say. As a matter of fact, I am sincerely sorry and I sympathise with Mr. Kamini Kumar Dutta, the newly-elected General of the weakling regiment of Congress in this House. (Mr. SHRISH CHANDRA CHAKRAVERTY: But you are a deserter!) (Also cries of "question, question"). It is no use questioning: it is a fact. Mr. Lalit Chandra Das would not accept if I quote the precedents of the United Provinces and Central Provinces because they do not suit him, but as soon as he wants to oppose Government he will at once refer to the activities of the U. P. and C. P. Governments and ask this Government: why don't you do this and that? (Mr. RANAJIT PAL CHOWDHURY: But why do it in part only and not in whole?) He said yesterday that no tax on profession could be imposed as it would be illegal, but to-day he says that even a graduated tax is legal. I know why he says so. Under the U. P. tax, lawyers are excluded. Therefore Mr. Lalit Chandra Das would certainly welcome the U. P. Act, because it has excluded the lawyers. If a 20 per cent. rate of tax is imposed on the salaried officers, he does not mind it because the professions have been excluded from the purview of the Act; so it is easy to see why he welcomes the U. P. Act.

Then, Sir, we have been accused of breaking laws. Really, Sir, it is astounding to hear that. He said we have passed an atrocious Bill. I say, Sir, it is a monstrous argument. A representative coming from the Congress side fighting shy of breaking the laws! It is only by breaking the laws that you have got this superior position over us. There is no other qualification except that. You go to the country and boast before the public that you break the laws. In the Congress even you are now creating a Forward Bloc, because you think that the Congress Ministers are no longer breaking the laws. (Mr. SHRISH CHANDRA CHAKRAVERTI: But you have broken the laws of the Congress.) Well, Mr. Chakraverti, please do not irritate me, you will then hear from me many hard things. Sir, we are convinced that we have got the power under the Government of India Act to levy a tax and a flat rate upon those who pay income-tax. It may be doubtful as you have said but even if it is doubtful, when we want more power from the Central Government, let the Government of India themselves go to the Federal Court for a ruling. But the Congress people, instead of reading relevant books on Constitution, read prohibited literature and go to jails, and, Sir, this is the fight that they put up against the Central Government.

Then again, Mr. Das has said that it will be very difficult for the middle class to pay the tax. I know it may be a little difficult for them to pay it. But what are they pressing for every day? They are pressing every day that in the interests of the masses your rivers should flow with milk and honey overnight. But, Sir, how to do it except by taxing? Those who carry on political agitation and those who earn Rs. 2,000 a year, certainly can pay Rs. 2-8 a month to improve the lot of those whose income is Rs. 50 a year!

Mr. Das accuses me of being a rich man. Sir, I am not a rich man, but I can realise that even a man who has got an income of Rs. 2,000 a year in this country is comparatively richer than the 90 per cent. of the population whose income is Rs. 50 a year. And for the middle class population who are really the political leaders of the people, when they are called upon to pay Rs. 2-8 a month, when they earn Rs. 2,000 a year, I do not think that for them it is an extravagant demand. If it is regarded as an extravagant demand, I think the Congress Party ought to keep quiet and not give us large orders to do this thing and that—improve agriculture, drive out malaria, etc. etc., for how without a general tax on the middle classes can this be done? (Mr. RANAJIT PAL CHOWDHURY: This can be done by a reduction in the salaries of Government employees.) This is the only parrot cry that you have got. But how much can you get by reduction of salaries? And under the Government of India Act which you are working, you cannot reduce the salaries of certain classes of officers. Sir, Congress members at least should understand the Constitution, becasue they are first-rate politicians of the country; but I find that they are criticising things without reading any book, and without understanding the implications of the Government of India Act. That is why I say that I am sorry for Mr. Kamini Kumar Dutta, who has been newly elected as the General of such a weakling regiment of the Congress.

Dr. Radha Kumud Mookerji said that we have passed a communistic legislation. Sir, I want the House to judge how by imposing a tax of Rs. 30 on the middle class people I am encouraging communistic legislation, unless he meant to say that because I have exempted the poor people I am encouraging communist ideas. Otherwise, there is no meaning in saying that I have encouraged communistic legislation. If a remark like that is made by a man of the position of Dr. Mookerjee, what should I say of the rank and file of the Congress in the Upper House?

I am grateful to the supporters of the Government that in spite of unreasoning opposition they have allowed this Bill to be passed. There was only a little hitch when the Congress Party by exploiting the European group yesterday—they had been exploited all along but yesterday they did manage to exploit them—made certain changes in

the Bill. There have been some changes for which I shall have to go to the Lower House, but on the whole, I do not think that the work of imposing the tax will be delayed by the amendment carried yesterday. On the whole, I am grateful to the House that they have given me this help in putting this Bill on the Statute Book.

Mr. PRESIDENT: The question before the House is that the Bengal Finance Bill, 1939, as settled in the Council, be passed.

(The question was agreed to.)

Mr. PRESIDENT: The Hon'ble Nawab of Dacca will now move his Bill, namely, the Calcutta Municipal (Amendment and Validation) Bill, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, in the absence of the Nawab Bahadur of Dacca, may I move the motion standing in his name?

Mr. PRESIDENT: Will you please refer to section 83 of the Bengal Legislative Council Rules and Standing Orders, where it is stated that a member giving notice may move that the Bill be taken into consideration? So, you will find that only a member who has given notice can move the motion.

Mr. LALIT CHANDRA DAS: Let the Finance Minister take note that some members of the Treasury Bench also have not read the Government of India Act properly.

Mr. PRESIDENT: The next Bill is the Bengal Tenancy (Second Amendment) Bill. But I find that the Minister in charge is absent. The next Bill, the Indian Stamp (Bengal Amendment) Bill, 1939, is also in the name of the Revenue Minister who is absent.

Now, the Hon'ble Mr. Raikut may move his motion, regarding the Bengal Excise (Amendment) Bill.

The Bengal Excise (Amendment) Bill, 1939.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, I beg to move that the Bengal Excise (Amendment) Bill, 1939, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Excise (Amendment) Bill, 1939, be taken into consideration.

The question before the House is that the Bengal Excise (Amendment) Bill, 1939, be taken into consideration.

(The question was agreed to.)

Clauses 1 and 2.

Mr. PRESIDENT: There being no amendments, I will put the clauses to vote.

The question is that clauses 1 and 2 stand part of the Bill.

The question was agreed to.

Short Title and Preamble.

Mr. PRESIDENT: The question is that the Short Title and Preamble be added to the Bill.

The question was agreed to.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, I beg to move that the Bill as settled in the Council be passed.

Mr. PRESIDENT: Motion moved that the Bengal Excise (Amendment) Bill, 1939, as settled in the Council, be passed.

The question before the House is that the Bengal Excise (Amendment) Bill, 1939, as settled in the Council, be passed.

(The motion was agreed to.)

The Calcutta Police (Amendment) Bill, 1939.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Calcutta Police (Amendment) Bill, 1939, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Calcutta Police (Amendment) Bill, 1939, be taken into consideration.

The question before the House is that the Calcutta Police (Amendment) Bill, 1939, be taken into consideration.

(The question was agreed to.)

Clauses 1 and 2.

Mr. PRESIDENT: The question before the House is that clauses 1 and 2 stand part of the Bill.

(The question was agreed to.)

Short Title and Preamble.

Mr. PRESIDENT: The question before the House is that the Short Title and Preamble be added to the Bill.

(The question was agreed to.)

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to move that the Calcutta Police (Amendment) Bill, 1939, as settled in the Council be passed.

Mr. PRESIDENT: Motion moved that the Calcutta Police (Amendment) Bill, 1939, as settled in the Council be passed.

The question before the House is that the Calcutta Police (Amendment) Bill, 1939, as settled in the Council be passed.

(The question was agreed to.)

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, on a point of order. Is there no residuary power in the President to allow me to move that the Calcutta Municipal (Amendment and Validation) Bill, 1939, be taken into consideration. May I point out that section 83——

Mr. PRESIDENT: Order, order, I have given my ruling. There is no matter before the Council on which a question of order may now be raised. A question of order may be raised only when there is something before the House which is not in order.

The House stands adjourned till 2-15 p.m., on Wednesday, the 17th May, 1939.

Adjournment.

The Council then adjourned till 2-15 p.m., on Wednesday, the 17th May, 1939.

Members absent.

The following members were absent from the meeting held on the 12th May, 1939:—

(1) Mr. Narendra Chandra Datta.
(2) Alhadj Khwaja Muhammad Esmail.
(3) Khan Bahadur M. Abdul Karim.
(4) Begum Hamida Momin.
(5) Mr. H. P. Poddar.
(6) Mr. Mukhlessur Rahman.
(7) Rai Bahadur Radhica Bhusan Roy.
(8) Mr. D. H. Wilmer.
(9) Mr. H. G. G. MacKay.

B. G. Press—1939-40—3530A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 17th May, 1939, at 2-15 p.m. being the ninth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, you permitted me to put some supplementary questions to Sir Bijoy Prasad in regard to question No. 52, as he was absent on that day.

Mr. PRESIDENT: As soon as the questions of to-day are over, you will be permitted to do so.

QUESTIONS AND ANSWERS

Appointment of Moslems in Government Service.

Rai MANMATHA NATH BOSE Bahadur (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) if any conference has been held with regard to the resolution passed at the Legislative Assembly regarding 60 per cent. appointment to the Moslems in the Government services;

(b) if so, whether the Hon'ble Minister will please state the personnel of the gentlemen who attended the conference and the result of such conference; and

(c) under what principle the members of the conference have been selected?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes.

(b) A statement is placed on the table.

(c) The representation of parties, groups and interests in both Houses.

Statement referred to in the reply to the question regarding appointment of Moslems in Government service.

(1) Sir George Campbell, M.L.A.,
(2) Sarat Chandra Bose, Esq., M.L.A.,
(3) The Hon'ble Mr. H. S. Suhrawardy, M.L.A.,
(4) W. C. Wordsworth, Esq., M.L.A.,
(5) Birat Chandra Mandal, Esq., M.L.A.,
(6) Pulin Behary Mullick, Esq., M.L.A.,
(7) Maulana Md. Akram Khan, M.L.C.,
(8) Hamidul Huq Chowdhury, Esq., M.L.C.,
(9) Maulvi A. Quasem, M.L.A.,
(10) Hem Chandra Naskar, Esq., M.L.A.,
(11) Maulvi Abdul Bari, Esq., M.L.A.,
(12) Kamini Kumar Dutta, Esq., M.L.C.,
(13) J. N. Basu, Esq., M.L.A.,
(14) The Hon'ble Mr. N. R. Sarker, M.L.A.,
(15) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.,
(16) K. Sahabuddin, Esq., C.B.E., M.L.A.,
(17) Fazlur Rahman, Esq., M.L.A.,
(18) C. Millar, Esq., M.L.A.

Mr. NARESH NATH MOOKERJEE: Certain percentages in the services are likely to be announced by Government, or rather certain pronouncements from the Government are being foreshadowed in the papers; I would like to ask the Hon'ble Minister if those announcements are the results of the Conference that had been convened recently to discuss this matter or whether these announcements are going to be the result of a conference among the Ministers only?

The Hon'ble Mr. NALINI RANJAN SARKER: I do not understand what statement the hon'ble member is referring to.

Mr. NARESH NATH MOOKERJEE: We are expecting an announcement by Government with regard to the proportion of various communities in regard to the public services. My question is whether those announcements are likely to be in conformity with the decisions arrived at in this confernece?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, the announcements are so conflicting that I cannot give a straight answer.

Mr. NARESH NATH MOOKERJEE: Is it a fact that the conference of party leaders in the two Houses of the provincial Legislature broke down in the middle of the discussions and that the Government had to take the matter on their own shoulders?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, that is absolutely false. (After a brief pause) I beg your pardon, Sir. The answer is in the affirmative. I thought the hon'ble member was referring to the discussions in the cabinet. If he meant the conference of party leaders, I have informed the House that the same broke down.

Mr. HUMAYUN KABIR: Sir, are we to understand from the unintentional admission of the Hon'ble Minister that the Ministry has come to an agreement about the question?

The Hon'ble Mr. NALINI RANJAN SARKER: Not yet.

Short Notice Question.

Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) where the question of the organisation of the Purdah College stands at present; and

(*b*) whether he proposes to put the organisation of the Purdah College in the hands of experienced officers who have been dealing with the matter from its very inception?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) It is intended to open the College on 1st July, 1939.

(*b*) Yes.

Mr. PRESIDENT: Khan Bahadur, you can now ask supplementary questions to the answer given to your question No. 52.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to the answer to question No. 52, was it not the practice hitherto that no estate in which there was no likelihood of any increase of revenue by revisional settlement, used to be taken up for revisional settlement?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That might have been the practice in the past but the present Government's policy is to take up revisional settlements more in the interest of reduction than for increase of revenue.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I enquire, Sir, if a Committee has not already been set up for considering the question of reduction of rents?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly say if it is not proper to wait for the recommendations of the Committee before taking up this revisional settlement?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the Committee to which my hon'ble friend is referring has been appointed to devise ways and means for giving facilities for reduction of rent where necessary. That has nothing to do with the normal reduction which Government might consider justified according to the condition of the lands or on economic grounds.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Then, with reference to question (*b*) that "rents are being adjusted only under alluvial areas on account of the changes in classification", will the Hon'ble Minister kindly say if classifying a lower class of land to a higher class does not mean enhancement of rent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, in some cases it is so.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not in contravention of section 75A which has been recently enacted in the Bengal Tenancy Act with a view that no enhancement should be made?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am not in a position to interpret the law here; we are here to legislate.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Are we to understand, Sir, that the private zamindars are entitled to enhance rents by re-classifying the lands?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It depends on the legal advice they receive.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I enquire, Sir, why in Khulna, in which District Settlement Operation was closed only about 14 years ago, land revenue settlement to the extent of as much as Rs. 1,11,000, was necessary to be taken up so soon?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The land revenue settlement as I mentioned here is sometimes necessary in these diluvial and alluvial areas for reasons other than mere increase in revenue. It may be necessary also to give relief to the tenants. Where the land diluviated, it is necessary that there should be a revenue settlement so that the tenants may not be paying revenue for lands which have gone under water.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, is it not a fact that this could be done by summary settlement in the course of diluvian enquiry?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that is done in Government estates, but where they have got temporarily-settled estates, it is not done by diluvian enquiry, but there a land revenue settlement is necessary.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that even in temporarily-settled estates of zamindars summary settlement can be made, and it is actually made in many cases?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not a question. That is an answer.

GOVERNMENT BILLS.

The Calcutta Municipal (Amendment and Validation) Bill, 1939.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to move——

Mr. NARESH NATH MOOKERJEE: Sir, on a point of order. I submit that a notice which is bad under the existing law cannot be validated with a view to giving it a retrospective effect by bringing in an amendment of this kind. As such, Sir, I feel that this Bill, the sole object of which——

Mr. PRESIDENT: Order, order. Let the Hon'ble Minister just move it, and then you may raise your point.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to move that the Calcutta Municipal (Amendment and Validation) Bill, 1939, as passed by the Bengal Legislative Assembly, be taken into consideration.

Mr. NARESH NATH MOOKERJEE: Sir, my point of order is this. A notice which is bad under the existing law cannot be validated with retrospective effect by bringing in an amending Bill of this kind. As such, Sir, I feel that this Bill, the sole object of which is to validate this notice with retrospective effect cannot be introduced in this fashion.

Mr. PRESIDENT: We have nothing to do with the notice. If it is ineffective, the court of law will give a decision if a test case is filed. Here a Bill has been introduced, which was passed in the Lower House. What is your particular objection to the House taking up this Bill for consideration?

Mr. NARESH NATH MOOKERJEE: Sir, it is clear from the preamble that this notice is bad, and the object of this Bill is merely to validate that notice and, therefore, Sir, I feel it should come up as a mere amendment and not as a validating Bill.

Mr. PRESIDENT: What is the notice you are referring to?

Mr. NARESH NATH MOOKERJEE: The notice dated the 30th September which this Bill seeks to validate.

Mr. PRESIDENT: The House not got any notice before it. As a matter of fact, this House is now being called upon to deal with the Bill that has been passed in the Lower House. We have nothing to do with the notice referred to. Your contention is that the passing of this Bill will not help in validating that notice. That is a matter for the courts to interpret. We have nothing to do with that point. Whether there is any notice or nor, that is not our concern.

Mr. NARESH NATH MOOKERJEE: Sir, my submission is this that if it was merely an amending Bill, I would have thought that this was in order, but on a reading of the preamble it is quite clear that this Bill has been brought in merely with a view to validating that notice.

Mr. PRESIDENT: I do not see any reason why if the House is competent to pass a legislation, it has not the right of passing a legislation to validate any notice. Whether the notice was bad or not, it is not our concern. The question is whether the House has the right to enact this piece of legislation that is before us. I hold that the motion is in order.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As explained in the Statement of Objects and Reasons, the main

object of the Bill is to validate the action taken by Government under the proviso to section 39 of the Calcutta Municipal Act, 1923, in extending for a period of one year the term of office of the present body of elected Councillors and Aldermen of the Corporation. In the Calcutta Municipal (Amendment) Bill, 1939, which is before the Legislative Assembly, provision has been made for restoring the system of representation of Muslims on the Corporation through separate electorates and also for adequate and proper representation of Anglo-Indians, of Scheduled Castes and of Labour. The intention of Government is that the next general election of the Corporation shall be held after this amending Bill has been passed by both the Houses of the Legislature and has come into force.

In the ordinary course, the next general election of the Corporation was due in March, 1939, but as sufficient time was not left for amending the Act, and taking the necessary steps for holding the next general election on the basis of separate electorates, the term of office of the existing Councillors and Aldermen of the Corporation has been extended by a period of one year till the 31st March, 1940. by a notification issued under the proviso to section 39 of the Calcutta Municipal Act, 1923. Government have, however, been advised that owing to the defective wording of the abovementioned proviso, the validity of the notification is not entirely free from doubt.

The present Bill is intended to validate the action taken by Government in this matter by amending section 39 with retrospective effect and by making the necessary consequential amendments in the Act.

Mr. PRESIDENT: Motion moved: That the Calcutta Municipal (Amendment and Validation) Bill, 1939, as passed by the Bengal Legislative Assembly, be taken into consideration.

The question before the House is that the Calcutta Municipal (Amendment and Validation) Bill, 1939, as passed by the Assembly, be taken into consideration.

The question was agreed to.

Clause 1.

Mr. PRESIDENT: The question before the House is that clause 1 do stand part of the Bill.

(The question was agreed to.)

Clause 2.

Mr. PRESIDENT: The question before the House is that clause 2 do stand part of the Bill.

Mr. HUMAYUN KABIR: Sir, I beg to move that at the end of the proviso to clause 2 of the Bill, for the words "they so think fit", the words "a motion to this effect is made and carried in the two Houses of the Legislature", be substituted.

Sir, my purpose in moving this amendment is quite clear. It has also been made sufficiently clear in the statement of the Hon'ble Minister that this Calcutta Municipal (Amendment and Validation) Bill, 1939, has been brought in in order to make legal some doubtful executive acts of Government. Now, Government always reserve to themselves the power to do so whenever the occasion arises but our contention is that whenever any legislation is going to be undertaken, that legislation ought to depend on general principles. To-day, the Government have passed an order referred to in the Bill, viz., order No. 3114M. of the 20th of September, 1938, and they are in doubt about the legality and validity of this particular order, and want to bring in a new Bill in order to validate that particular order. If every particular act of the executive had to be validated in this way by bringing in a fresh Bill, it would unnecessarily increase the work of the Legislature. I am, therefore, suggesting that a general provision should be made, and since in this Bill an attempt is being made to provide for such a general provision, for the general conditions under which the Government may by executive order suspend the operation of the law. I am suggesting that we should provide that such suspensions should take place under certain definite conditions. In the Bill as proposed, it is provided that Government should reserve to themselves the right to decide when the law should be in operation and when not, and I do not think that the Hon'ble Minister concerned has made out any sufficient case as to why the law was suspended on the last occasion. He has stated that the law was suspended. A law existing in the province at the moment was suspended simply because elections could not have been held under a particular Bill which he wanted to make into a particular Act and the Act was not passed at the time. This, I submit, Sir, is not a sufficient reason for suspending a law of the land. For, in that case any one may get up and say, "Let this law or that law be suspended for the time being, because that particular thing is to be done, and because Government are confident of their majority in the Legislature and they might pass legislation to this effect. Therefore, for the time being, let all laws cease and let Government by executive order validate their past actions."

Now, there is a general principle that whenever you want to justify a past action by future legislation, you should give reasons and grounds for doing that. Here the ground advanced is that since March, 1939, was the time scheduled to have the elections held according to the present law, since the Minister did not want that the elections should be held on the 31st of March, 1939, therefore, the law must be suspended! Sir, this is only a specific and particular occasion. It is

not a question of general interest and when we take up the other municipal Bill, the Bill which is now coming before the House very soon, I shall go into the principles involved in this matter. Here, I will only say this. It may in that Bill be provided that elections should be through joint electorate. The Hon'ble Minister thinks otherwise and he may be right. We think otherwise; we believe that elections ought to be held with joint electorates, and we may be right. But why "may be"? In my own mind, I am absolutely convinced that we are right in asking for joint electorate with certain safeguards for the time being for the rights of the minorities. That is a question or a matter of opinion. And there is no reason why because there is a difference of opinion on this particular question, the Government should suspend the law of the land and provide that elections should be held at a later date, only in order to give an opportunity for the elections to be held under a particular law which it favours but which is not yet in existence.

If I may say so, Sir, it is not a course of action which is justified at all and one could develop the injustice and danger inherent in such a procedure. But coming to the particular amendment which I have moved, I want that in future whenever any such suspension is necessary it should be in terms of the expressed wishes of the two Houses of the Legislature. Under the present regime, this does not entail any difficulty on the Government. They alone will be in power who can command a majority in the Legislature, and the Government of the day may on all occasions confidently expect to have a majority behind them. Nevertheless, the majority should even then be consulted. I want to provide by the amendment which I have moved that whenever any law of the land has to be suspended, it should be done as the result of a motion made and carried in the two Houses of the Legislature. This is the general position and Law should be general. The Bill, as it has been brought forward by the Hon'ble Minister, is a particular measure. It is a general principle in law, that, as far as possible, the law should be general; it should provide for general contingencies,—a definite statement of legislation for each particular occasion as it arises.

Sir, if my amendment is carried, it will have this effect. In future, Government will have the right to suspend the operation of a law whenever they want, but only with the consent of the Legislature. This will apply not only to the particular instances which have occurred, not only with reference to the Order passed on the 20th of September, 1938, but should any such occasion arise in future, Government will have the right to suspend the law. Therefore, all that I contend for is that wherever the law is suspended in this manner, the Legislature should have a voice in it. The Legislature should not be prepared to abandon to the Executive the power to suspend the operation of any law at any time they like. I know that the government is now being run on party

lines, and it is generally measures of a party character that are brought forward by Government; and very often honest criticisms in the Legislature is sought to be suppressed. Attempts to improve Bills are usually suppressed, and suppressed on the ground that these will go against party decisions and also against some particular decision of the Ministry. But, after all, here no question of prestige is involved, nor is here any question involved of the fall of the Ministry if my amendment is carried. Therefore, I feel that the Legislature should exercise the right which is vested in it. If the Legislature is always willing to abandon all powers to the Executive, if it is its function merely to ditto the decisions of the Executive, there is no justification whatsoever for the existence of the Lgislature. The Legislature is here to scrutinize the actions of the Government; it is here to lay down certain general principles according to which the functions of Government will have to be carried on. That is why my amendment provides that in future whenever Government want that any particular law is to be suspended, it will be suspended as a result of the expressed wishes of the two Houses of the Legislature. I have made it sufficiently clear that this will not entail any difficulty on the Government, because Government do in the ultimate resort command the confidence of the Legislature, for, otherwise it would not be a Government, and the moment it ceases to enjoy that confidence, it will also cease to be a Government also.

Sir, one other objection may be raised, that it will entail an unnecessary expenditure of time. That is not a very cogent objection, because a motion of this nature will never take more than a day in each House. Therefore, I submit that by the amendment which I have moved I want to lay down certain general conditions under which alone a general law can be suspended, and, therefore, I think, Sir, that my amendment should be accepted by the House.

Mr. PRESIDENT: Amendment moved. That at the end of the proviso to clause 2 of the Bill, for the words "they so think fit", the words "a motion to this effect is made and carried in the two Houses of the Legislature", be substituted.

I wonder Mr. Kabir, whether you moved the proviso portion of your amendment.

Mr. HUMAYUN KABIR: No, Sir, I mean to move it separately, and that is the reason why I did not move it in this connection.

Mr. PRESIDENT: But as the two portions of your amendment are put in one and the same amendment, I thought that you would move them together.

Mr. HUMAYUN KABIR: Sir, I sent that amendment in one notice, but I expected that your office would be able to separate the two portions.

Mr. PRESIDENT: Anyway, are you going to move that amendment or not?

Mr. HUMAYUN KABIR: No, Sir.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I simply oppose the amendment.

Mr. PRESIDENT: The question before the House is that at the end of the proviso to clause 2 of the Bill, for the words "they so think fit", the words "a motion to this effect is made and carried in the two Houses of the Legislature", be substituted.

(The question was negatived.)

Mr. PRESIDENT: The question before the House is that clause 2 do stand part of the Bill.

(The question was agreed to.)

Mr. NARESH NATH MOOKERJEE: May I rise on a point of information, Sir? May I inquire what the real object of the Government is in trying to omit by clause 4 of the Bill the word "triennially" from section 45 (2) of the Act?

Mr. PRESIDENT: It refers to clause 4. So, please raise this quesion when we take up clause 4.

Clause 3.

Mr. PRESIDENT: The question before the House is that clause 3 do stand part of the Bill.

(The question was agreed to.)

Clause 4.

Mr. PRESIDENT: The question before the House is that clause 4 do stand part of the Bill.

Mr. Mookerjee, you can now raise your point.

Mr. NARESH NATH MOOKERJEE: Sir, my reason for putting the question is because I feel that the word "triennially" which occurs in section 39 of the Act, which deals with the term of office of Aldermen and Councillors, should also be omitted. In other words, if you omit the word "triennially" by clause 4, then it should similarly be omitted from section 39, because that is a part of it. In short, Sir, what I want to say is that the word "triennially" should be removed not only from section 45 but also from section 39 of the Act.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, Sir, it is consequential; but if it is contrary to the provisions of the Act, it will be automatically omitted.

Mr. PRESIDENT: The question before the House is that clause 4 stand part of the Bill.

(The question was agreed to.)

Clause 5.

Mr. PRESIDENT: The question before the House is that clause 5 stand part of the Bill.

(The question was agreed to.)

Clause 6.

Mr. PRESIDENT: The question before the House is that clause 6 stand part of the Bill.

(The question was agreed to.)

Dr. RADHA KUMUD MOOKERJI: On a point of correction, Sir. I should think the word "substituted" should be omitted and the word "replaced" should be used for the sake of correct English and correct drafting. In clause 6, the word "substituted" is wrongly put. There, it should be verbally speaking, "replaced".

Mr. PRESIDENT: You should have given notice of an amendment to that effect.

Dr. RADHA KUMUD MOOKERJI: I am merely helping the Government in regard to draftsmanship.

Clause 7.

Mr. PRESIDENT: The question before the House, is that clause 7 stand part of the Bill.

(The question was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is that the Short Title and Preamble be added to the Bill.

(The question was agreed to.)

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to move that the Calcutta Municipal, (Amendment and Validation) Bill, 1939, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved that the Calcutta Municipal (Amendment and Validation) Bill, 1939, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is that the Calcutta Municipal (Amendment and Validation) Bill, 1939, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Tenancy (Second Amendment) Bill, 1939.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Tenancy (Second Amendment) Bill, 1939, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Tenancy (Second Amendment) Bill, 1939, as passed by the Assembly, be taken into consideration.

The question before the House is that the Bengal Tenancy (Second Amendment) Bill, 1939, be taken into consideration.

(The motion was agreed to.)

Clause 1.

Mr. PRESIDENT: The question before the House is that clause 1 stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. PRESIDENT: The question before the House is that clause 2 stand part of the Bill.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I think my amendment comes first.

Mr. PRESIDENT: Yes, I shall call you later on.

Rai MANMATHA NATH BOSE Bahadur: Mr. President, Sir, I beg to move that sub-clause (*1*) of clause 2 of the Bill be omitted. I do not see any utility of this amendment. As a matter of fact, in every case the Court has got to be satisfied that there has been an increase in the actual area of the tenure or holding. From the terms of the proviso it cannot be gathered why the proviso is necessary to be enacted. The proviso does not mention anything about the rod used in measurement. It is an essential question in every case under section 52 to determine what was the rod used before and what is the rod used now. If the rod or standard of measurement has been different, no Court can come to any conclusion regarding excess or deficiency of area. It has also been held in a number of cases that the standard of measurement must have been the same. The Law is settled in this respect. I therefore do not see why at this distant date the proviso has become necessary.

Moreover, the words "since the rent previously paid was settled" are not sufficiently expressive of the intention. If after the rent was settled with reference to area, there has been an increase of area and also, say for instance, increase in the price of staple food crops, and if during this period the rent is settled only on the ground of increase in the price of staple food crops and increase of rent on account of increase in area is not made out of leniency or the right to do so is kept in reserve, then it would be inequitable to take this last settlement of rent on the basis of rise in price of staple food crops as a starting point, because there has been no increase of area since that time. Hence, it is necessary to add the words "with reference to the area or the tenure or holding". With these remarks, Sir, I submit that this proviso is not at all necessary.

Mr. PRESIDENT: Amendment moved: that sub-clause (*1*) of clause 2 of the Bill be omitted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. I do not think, as the Rai Bahadur says, that in every case the Court must be satisfied about the actual increase before an increase in rent is granted. That is true. But as the amendment

only makes the position clear, so if Rai Bahadur's amendment is accepted, it will make the thing rather hazy and it will be a matter of interpretation then. So, in order to remove any doubt, Government has tried to make the position clear.

Mr. PRESIDENT: The question before the House is that sub-clause (*1*) of clause 2 of the Bill be omitted.

(The question was negatived.)

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have got two amendments of the same nature. With your permission, instead of moving amendment No. 2 of the first list, I would rather move amendment No. 1 in the second consolidated list, that in sub-clause (*1*) of clause 2 of the Bill, in the proposed proviso, after the word "settled" in the last line, the following words be inserted "due to inclusion of land.....

Mr. PRESIDENT: Order, order. We have made certain arrangements in tabulating the amendments. If you don't like to move the previous one, say so. For the other amendment, I shall call you later on.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But it is written, Sir, as "late list". That is my trouble. It was submitted late, after the time fixed for submission of amendments.

Mr. PRESIDENT: I have decided that these amendments should be moved in a certain order. I shall call you later on. So, you don't like to move this amendment now?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, if I am permitted to move the second amendment, I do not like to move this.

Mr. PRESIDENT: You will be permitted to do that.

Mr. NUR AHMED: Sir, I beg to move that in sub-clause (*1*) of clause 2 of the Bill, in the proposed proviso for the word "satisfied", the word "proved", be substituted.

Sir, from the proviso of the Bill it will appear that the proviso runs as follows: "Provided that no Court shall decree any addition of rent under this clause unless it is satisfied that there has in fact been an increase in the actual area of the tenure or holding since the rent previously paid was settled." By my amendment I want to

substitute the word "proved" in place of the word "satisfied". My reason is that there will be difference between the words "satisfied" and "proved" in different clauses of the Bill, as it will appear from the main section that the word "proved" is used there and not "satisfied". The effect will be that a great discretion will be given to the Courts and the Courts may be satisfied from some little data or some evidence here and there that there is a case for a decree for increase in rent. But if the word "proved" is substituted in that clause, the Courts will be required to have strict proof by evidence as regards whether an actual increase has been made or not. So, in my humble opinion, it is very necessary that this important matter should not be left to the discretion of the Court. It is very uncertain and different Courts may take different views. And also to keep in conformity with the other clauses of the Act, this word should be changed. So, I appeal to the Hon'ble Minister in charge to accept this amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 2 of the Bill, in the proposed proviso for the word "satisfied", the word "proved", be substituted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. To my mind, it is wholly unnecessary, because a Court can never be satisfied unless it is proved that there has been an actual increase. Moreover, the language of the Bill runs as follows "provided that no Court shall decree any addition of rent under this clause unless it is satisfied that there has in fact been an increase in the actual area of the tenure or holding since the rent previously paid was settled". The wording there is very clear, Sir. The Court must see that there has been an actual increase in area and unless the Court is satisfied on that point, the Court is not entitled to give any increase of rent. There is, therefore, no necessity of substituting the word "proved" for the word "satisfied". So, I oppose this amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (*1*) of clause 2 of the Bill in the proposed proviso for the word "satisfied", the word "proved", be substituted.

(The motion was negatived.)

Mr. PRESIDENT: Khan Bahadur Saiyed Muazzamuddin Hosain will now please move his amendment.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I don't move it, Sir.

Rai MANMATHA NATH BOSE Bahadur: Sir, I beg to move that in clause 2 of the Bill, after sub-clause (*1*), the following new sub-clause be inserted, viz.—

"Provided that no Court shall decree any reduction of rent under this clause unless it is satisfied that there has been a decrease in the actual area of the tenure or holding since the rent previously paid was settled with reference to the area of the tenure or holding."

My submission is that if there be this proviso to sub-clause (*1*)——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, before the Rai Bahadur speaks on his amendment, may I draw your attention to one fact? I am inclined to think that this amendment is outside the scope of the Bill.

Mr. PRESIDENT: Let him first make a short statement in support of his amendment.

Rai MANMATHA NATH BOSE Bahadur: Sir, my only submission is that if this proviso, which has already been passed to-day, be added to clause (*1a*), then this proviso will also have to be added to clause (*1b*). I submit that the addition of this proviso to one and not to the other will certainly lead to an anomalous condition. As a matter of fact, we should then be legislating that relief should be given in one case and not in another. Therefore, I submit that this clause should be added to sub-clause (*b*).

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I just want to mention that this amendment is probably outside the scope of the Bill, because the object of the Bill is to prevent fictitious use of section 52 and not to debar landlords from getting increases of rent for an actual increase in area. We have nothing to do with the actual increase or decrease——

Mr. PRESIDENT: In the Preamble it has been stated "further to amend section 52 of the Bengal Tenancy Act, 1885".

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Unfortunately, Sir, the Statement of Objects and Reasons is not before the House. May I read it out, Sir?

Mr. PRESIDENT: Yes.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It reads: "Section 52 of the Bengal Tenancy Act provides for an increase of

rent where it can be proved that there has been an increase of area of a tenure or holding. Government have reason to believe that the provisions of this section have been abused in the following manner. Settlement was made on a cubit, say, of 22 inches in the past. When the record-of-rights was prepared and the standard cubit of 18 inches was applied in measuring the land, there was an apparent, but not real, increase in the number of *bighas* in a tenure or holding. With the help of misleading evidence, it is often proved that in fact the standard of measurement which had been used at the time of the settlement was an 18-inch cubit. In order to prevent this kind of fraud, the present amendment of section 52(*1*) has been framed. It is not intended that a landlord should be debarred from obtaining additional rent for additional area which in fact exists owing to gradual encroachment of this *khas khamar* land or on neighbouring plots".

So, the real object of the Bill is to prevent a fictitious use of the powers under section 52, *i.e.*, of the fictitious standard of measurement of increase in area. This is an amendment, however, with which I have no quarrel on merits, but I venture to submit that it is outside the scope of the present Bill.

Mr. PRESIDENT: Rai Bahadur, what have you got to say against the contention of the Hon'ble Minister that your amendment goes beyond the scope of the Bill?

Rai MANMATHA NATH BOSE Bahadur: As a matter of fact, I beg to submit that it is not beyond the scope of the Bill. In fact, you will see that the addition of the proviso to sub-clause (*a*) and not to sub-clause (*b*) of the same clause, will go to show that when there is a case under clause (*b*), it will be contended that the intention of the Legislature was quite different; otherwise, some proviso to that effect, viz., the effect for which the proviso has already been passed, should have been provided for. Therefore, I beg to submit for good reasons that when a case is brought under sub-clause (*b*), it is necessary that this proviso I am suggesting should be there. Moreover, the Hon'ble Minister has said that, so far as the merits of the suggestion I have made are concerned, he has no quarrel with it. Only, his point is that the amendment is beyond the scope of the Bill.

Mr. PRESIDENT: I hold that the amendment is in order. Rai Bahadur, you can make any further observations you like.

Rai MANMATHA NATH BOSE Bahadur: I have nothing further to add.

Mr. PRESIDENT: Amendment moved: That in clause 2 of the Bill, after sub-clause (*1*), the following new sub-clause be inserted, viz.—

"Provided that no Court shall decree any reduction of rent under this clause unless it is satisfied that there has been a decrease in the actual area of the tenure or holding since the rent previously paid was settled with reference to the area of the tenure or holding."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the notice of this amendment was received by me only this morning, and, in fact, I have had no time to carefully examine its implications. But I admit that at first glance it appeared to me that the amendment on its merits, I cannot oppose. So, I would request the honourable member not to press the amendment. I give an undertaking that Government will look up this point and examine it carefully and that if the points raised by my honourable friend in support of his amendment accord with the opinion of our legal advisers, then Government themselves will introduce an amendment of this character.

Rai MANMATHA NATH BOSE Bahadur: I have no objection to withdrawing this amendment in view of the assurance just now given by the Hon'ble Minister.

The amendment was then, by leave of the House, withdrawn.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, may I move my amendment?

Mr. PRESIDENT: Which amendment?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That in sub-clause (*1*) of clause 2 of the Bill, in the proposed proviso, after the word "settled" in the last line, the following words be——

Mr. PRESIDENT: Well, this is an amendment which I asked whether you would move or not and you then said "No".

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I know which amendment the Khan Bahadur is now moving?

Mr. PRESIDENT: It is amendment No. (1) in late list No. II.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that in sub-clause (*1*) of clause 2 of the Bill, in the proposed proviso, after the word "settled" in the last line, the following words be inserted, viz.—

"due to inclusion of land not hitherto included and for which no rent is paid by any other tenants."

Mr. PRESIDENT: Have you now understood, Sir Bijoy, what amendment is being moved?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, I have now been able to locate the amendment.

Mr. PRESIDENT: Order, order. I find that there is considerable difficulty on the part of the hon'ble members to find out the amendments that are being moved. The difficulty is due to the fact that amendments were given notice of only after the motion that the Bill be taken into consideration was adopted. This procedure left no time for the office to consolidate and circulate them. As a matter of fact, these amendments were received even up to 6 p.m. yesterday. In future, the Chair will have to be very careful about suspending these rules; that is to say, the rules enjoining 7 days' time and 10 days' notice will have to be strictly adhere to. Otherwise, lots of difficulties are arising.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I submit for your consideration one point? It is this: this difficulty may not arise if you kindly circulate a notice that no amendment will be received after a certain date. If that is done, Sir, your office will have ample time to tabulate them and circulate them in good time, and everybody will come prepared and there will be no difficulty in spotting the amendments.

Mr. PRESIDENT: There is a further difficulty. According to the rules, amendments can be given notice of strictly after the motion that a Bill be taken into consideration is adopted. It is only to give facilities to the Government and also to ensure that the time of the House may not be wasted, that I have suspended the rules so far; but in future I shall strictly stick to the rules and enforce them. Strictly speaking, no occasion arises for amendments if the House refuses to take a Bill into consideration. Amendments come in only when the motion that a Bill be taken into consideration is carried, and the rule is also clear on this point. Section 86 of the Rules and Standing Orders, which is the relevant rule, runs as follows:—

"If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration and the provisions of the rules

and standing orders of the Council regarding consideration of amendments to Bills and the subsequent procedure in regard to the passing of Bills shall apply",—which means that this would leave time for giving notice of amendments and to enable printing and consolidation of the amendments to be made. I feel that the House is very much inconvenienced by the suspension of these Rules and Standing Orders. I really should not have suspended the rules so liberally, but I took this course only to speed up the business of this House.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is a matter of vital importance not only to Government but also to this House if the business is to be carried on——.

Mr. PRESIDENT: Order, order. I have suspended the rules in the present case, and no occasion arises for any comment on it just at the present moment. I shall allow you to argue your point when the appropriate time comes.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: My object in moving this amendment is to make the object of the Bill clear. As my friend, Rai Bahadur Bose, has already said, he understands it that the amendment proposed in the Bill is not necessary at all on the Act as it exists. But actually, the amendments are important and some new provision is sought to be introduced into the Act by this Bill. Increase of area may be due to various causes, either due to encroachment or due to alluvion or it may be due to inclusion of isolated khas plots of land, or it may be due to measurement by two different standards of measurement or correct measurement previous measurement being incorrect. If a correct measurement is made, probably difference in area occurs. For that reason also there may be increase in area. The object of this Bill is to allow landlord to assess additional rent only on the excess actually found for lands actually added to the holdings since the time of the last settlement. Sir, in order to make that very clear and so that there may not be any misinterpretation, I propose to add this to the proviso. The proviso will run as follows—

"Provided that no Court shall decree any addition of rent under this clause unless it is satisfied that there has in fact been an increase in the actual area of the tenure or holding since the rent previously paid was settled due to inclusion of land not hitherto included and for which no rent is paid by any other tenants."

Mr. PRESIDENT: Order, order. Mr. Suhrawardy, you must not stand there and talk. I would like to make one point clear that the Chamber is not the place for carrying on private talks. The lobby is

the proper place for it and any member who wants to talk with another member will please go to the lobby and hold conversation there.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: My amendment seeks to make it clear that not only the Court should be satisfied that there has been increase in the area, but it must be also satisfied that this increase has been due to inclusion of lands not hitherto included in the tenancy for which no rent is paid by any other tenant. The last phrase, I have also added, because it may happen that owing to encroachment the area of a holding has increased. In the encroachment of any tenant's holding, if that tenant is still paying rent for that area, it is not proper that the landlord should again get rent for the same plot of land. So I have added, "for which no rent is paid by any other tenants." So, my amendment makes this point clear that this Bill is intended to make it clear that section 52 will only apply to cases where the landlords will be able to prove definitely that additional lands have been added to the holding either by alluvion or by encroachment or by inclusion of some other land, and he has also to prove that these lands are not already included in some other tenant's holding and for which he has been getting any rent. With this object, Sir, I move my amendment to make this clear. I hope my amendment will be carried.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 2 of the Bill, in the proposed proviso, after the word "settled" in the last line, the following words be inserted, viz.:—

"due to inclusion of land not hitherto included and for which no rent is paid by any other tenants."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid I have to rise again to oppose this amendment. The amendment is wholly unnecessary. I will draw the honourable member's attention to the wording of the proviso. "Provided that no Court shall decree any addition of rent under this clause unless it is satisfied that there has in fact been an increase in the actual area of the tenure or holding since the rent previously paid was settled." Now, the hon'ble member proposed to add "due to inclusion of land not hitherto included". Increase means increase of land not hitherto included. If the land was already included, it cannot be considered as an increase. So, that is redundant and I think it is wholly unnecessary.

Then, as regards the point "and for which no rent is paid by any other tenants", Sir, my hon'ble friend as an ex-Revenue officer, I am sure, perfectly remembers that when a tenant encroaches on a land outside his holding, he acquires it for his landlord. That is an accepted principle of Law. There are hundreds of judicial decisions on that

point, he cannot acquire it for himself. So, the landlord is certainly entitled to additional rent for the additional area, and the holding out of which it has come might have already got a reduction of rent from the landlord, because of loss of land. So, if this provision is included in the Bill clause, it will only complicate matters. So, I oppose this amendment.

Rai MANMATHA NATH BOSE Bahadur: Sir, may I be permitted to say something?

Mr. PRESIDENT: Yes, Rai Bahadur.

Rai MANMATHA NATH BOSE Bahadur: Sir, as a matter of fact this amendment which has been suggested by my friend Khan Bahadur, you will find, Sir, is in conflict with clause 5 of section 52 which expressly makes provision for cases when the landlord is unable to indicate the land. It is in very rare cases that it becomes possible to indicate the land; it may become possible where successive record of rights has been prepared, otherwise not. Clause 5 was introduced to obviate difficulties of this nature. I refer to the Statement of Objects and Reasons for the Bill of 1897 to amend the Tenancy Act. I am aware that in Gouri Patro *versus* Reily in I. L. R. 20 Calcutta, page 579, some such observation was made; but the amendment of 1898 was made to obviate this.

Then, Sir, I submit what is meant by "inclusion of land". Does the tenant by encroachment include the land in his tenure or holding? I submit not. Is a land gained by alluvion included in the tenure or holding *ipso facto* or by the act of a tenant? All these matters, I submit Sir, have been practically settled by decisions of the High Court. It is only the landlord who has the option of treating it either as an addition to the tenure or holding and thereupon suing for assessing new rent or suing for increase of rent or treating the tenant as trespasser suing for khas possession. On these grounds, Sir, I oppose the amendment proposed by my friend.

Mr. PRESIDENT: The question before the House is that in sub-clause (*1*) of clause 2 of the Bill, in the proposed proviso, after the word "settled" in the last line, the following words be inserted, viz.:—

> "due to inclusion of land not hitherto included and for which no rent is paid by any other tenants."

The House divided:—

AYES—4.

Khan Bahadur Saiyed Muazzamuddin Hosain.	Mir Humayun Kabir.
Khan Bahadur Maulvi Muhammad Ibrahim.	Khan Bahadur Ataur Rahman.

NOES—21.

Mr. Mesbahuddin Ahmed.
Dr. Arabinda Barua.
Rai Bahadur Manmatha Nath Bose.
Mr. Hamidul Huq Chowdhury.
Mr. Humayun Reza Choudhury.
Khan Sahib Abdul Hamid Chowdhury.
Mr. Khorshed Alam Chowdhury.
Mr. D. J. Cohen.
Mrs. K. D'Rozario.
Mr. H. C. A. Hunter.
Khan Bahadur Syed Muhammad Ghaziul Huq.
Khan Bahadur Muhammad Asaf Khan.
Maulana Muhammad Akram Khan
Mr. W. B. G. Laidlaw.
Mr. H. G. G. Mackay.
Khan Sahib Subidali Molla.
Rai Sahib Indu Bhusan Sarkar.
Mr. W. F. Scott-Kerr.
Mr. Saileswar Singh Roy.
Rai Bahadur Surendra Narayan Sinha.
Raja Bhupendra Narayan Sinha Bahadur, of Nashipur.

(The motion was negatived.)

Mr. PRESIDENT: To obviate inconvenience to the hon'ble members, I will now read out the amendments.

The next amendment is the one that stands in the name of Khan Bahadur Saiyed Muazzamuddin Hosain and runs as follows—

"That in clause 2 of the Bill, sub-clause (*2*) be omitted.".

Do you want to move it, Khan Bahadur?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, Sir.

Mr. PRESIDENT: The next amendment which also stands in the name of Khan Bahadur Saiyed Muazzamuddin Hosain is No. 6 in the first list. Are you going to move it, Khan Bahadur?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, Sir, I will move it.

Sir, I beg to move that in sub-clause (*2*) of clause 2 of the Bill, for the proposed sub-sections "(*1A*)" and "(*1B*)", the following be substituted, viz.:—

"(*1A*) When the Court is satisfied that the increase in the area of the tenancy in suit has been due either to encroachment on adjoining plot or alluvion, the Court shall enquire as to whether the present areas of the tenancies in the vicinity of which the boundaries are well-defined and are intact, and which were settled on the same standard of measurement as the tenancy in suit, show increases in area compared with the area originally settled. If uniform increases are found to exist in all or most of the neighbouring plots, the Court shall allow additional rent for so much of the excess area as is proportionately more than the general increase in the neighbouring plots enquired into."

"(*1B*) When the Court finds that the increase in area is due to inclusion of isolated plot or plots of land not touching the boundaries

of any of the plots already included in the tenancy, the Court shall decree additional rent for the entire area of the isolated plot or plots so included, according to prevailing standard of measurement."

Sir, my honourable friend has already been pleased to characterize it as redundant, but I shall show, Sir, that it is not redundant and then I hope he will be quite ready to accept it, because my amendment only wants to make the meaning of sub-clause (*2*) clear. The present sub-sections (*1A*) and (*1B*) are ambiguous, and if they are left as they are, they will land us into anomalies. Therefore, I have put forward a draft which is likely to greatly minimize the mischief likely to be caused by the present drafting. Only, in the case of encroachment or alluvion, the provision in the proposed sub-section (*1A*) will apply, and (*1B*) will apply when it is found that increase in area is due to the inclusion of isolated plots not touching the boundaries of any of the plots already included in the tenancy. So, it will be clear that by this Bill it is intended really to give an additional rent for actual increase in area due either to encroachment or to alluvion or due to the addition of isolated plots. So, I intend to make the points clear by this new drafting. On the other hand, the proposed sub-section (*1B*) is very mischievous as it stands. If in the *kabuliat* or in the *patta* the boundaries are set forth and if the boundaries are found not to have changed, the landlords will not be allowed any additional rent for an increase in area, but unfortunately *pattas* are not given to the tenants and the *kabuliats* remain in the hands of the zamindars. So, what will happen if the zamindars ask for additional rent on the basis of *chita* and *patta*? In these cases this sub-section (*1b*) will not apply, and zamindars will be able to claim additional rent merely on the basis of the difference of the two kinds of measurements, and this will absolutely nullify the real objects of the Bill. Therefore, I have totally deleted sub-section (*1B*), as drafted and have suggested new drafting.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 2 of the Bill, for the proposed sub-sections "(*1A*)" and "(*1B*)" the following be substituted, viz:—

"(*1A*) When the Court is satisfied that the increase in the area of the tenancy in suit has been due either to encroachment on adjoining plot or alluvion, the Court shall enquire as to whether the present areas of the tenancies in the vicinity of which the boundaries are well-defined and are intact, and which were settled on the same standard of measurement as the tenancy in suit, show increases in area compared with the area originally settled. If uniform increases are found to exist in all or most of the neighbouring plots, the Court shall allow additional rent for so much of the excess area as is proportionately more than the general increase in the neighbouring plots enquired into."

"(*1B*) When the Court finds that the increase in area is due to inclusion of isolated plot or plots of land not touching the boundaries of any of the plots already included in the tenancy, the Court shall decree additional rent for the entire area of the isolated plot or plots so included, according to prevailing standard of measurement."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, sub-clause (*1A*) of the Bill clause merely lays down the rules of presumption and sub-clause (*1B*) lays down the rules of procedure. Now, my hon'ble friend has tried to paraphrase and re-draft my Bill clauses, and the point to consider here is whether it is an improvement. Personally, I say that it is no improvement at all.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sub-clause (*1B*) has been attempted to be altogether deleted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, sub-clause (*1B*) has been attempted to be deleted, because he is apprehensive of the two words "*kabuliat*" *and* "*patta*". His argument is that the *patta* is not usually granted in the case of *raiyati* holdings, and the *kabuliat* generally remains in the possession of the landlord. So, he will not produce it and will seek an increase ot rent on the production of the *chita*. But my friend should remember that if there is a *kabuliat*, it is a registered *kabuliat;* so it is always open to the tenant to get a copy of it and produce it. Certainly a registered *kabuliat* or a *patta* will supersede all other proofs. So, my friend will see that he is under a misapprehension and unless we lay down, as we have done here, the principles, different boundaries will be set forth in the *kabuliat* or the *patta* and will continue the mischief which this Bill seeks to do away with, viz., the landlord will get hold of the tenants over whom they have control and try to prove that the standard of measurement was 18 inches instead of 22 inches, and, therefore, on fictitious grounds will claim increases of rent on fictitious increases in area. Similarly, the tenants themselves will also get hold of some neighbouring tenants who have got practically common interests, and they will come forward on behalf of the tenants and say that there is no encroachment. So, we have got to depend as regards boundaries on certain documents. That is always safer. If we make it vague and shadowy it will give rise to conflict and it may be abused by the tenants shadowy, it will give rise to conflict and it may be abused by the tenants as it has hitherto been abused by landlords in certain cases.

On these grounds, Sir, I oppose the amendment of the Khan Bahadur.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 2 of the Bill, for the proposed sub-sections "(*1A*)" and "(*1B*)", the following be substituted, viz:—

"(*1A*) When the Court is satisfied that the increase in the area of the tenancy in suit has been due either to encroachment on adjoining plot or alluvion, the Court shall enquire as to whether the present areas of the tenancies in the vicinity of which the boundaries are well-defined and are intact, and which were settled on the same standard of measurement as the tenancy in suit, show increases in area compared with the area originally settled. If uniform increases are found to exist in all or most of the neighbouring plots, the Court shall allow additional rent for so much of the excess area as is proportionately more than the general increase in the neighbouring plots enquired into."

"(*1B*) When the Court finds that the increase in area is due to inclusion of isolated plot or plots of land not touching the boundaries of any of the plots already included in the tenancy, the Court shall decree additional rent for the entire area of the isolated plot or plots so included, according to prevailing standard of measurement."

(The amendment was negatived.)

Mr. NUR AHMED: Sir, before I move my amendment, I would only like to know if the Hon'ble Minister in charge would be pleased to accept it (laughter); otherwise I do not propose to move it. It is only a drafting matter.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am sorry, Sir, that I cannot oblige the hon'ble member by assuring him of Government's acceptance of his amendment. He has told us that he has put forward a better draft, but I am afraid, Sir, it is not an improvement on our drafting.

Mr. NUR AHMED: In that case, Sir, I do not move my amendment. (Laughter.)

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that in sub-clause (*2*) of clause 2 of the Bill, for the proposed sub-section (*1B*) with its proviso, the following be substituted, viz:—

"(*1B*) When in a suit an increase in the actual area of the tenure or holding is sought to be proved under clause (*a*) of sub-section (*1*), no Court shall proceed to inquire into the question of actual increase unless it is proved that any portion of the boundaries of the tenure or holding as originally settled, comprised a river or sea or land held *khas* by the landlord or the Crown."

Sir, my object is to make it clear that in all cases of encroachment on land lying near a river or sea or land held *khas* by the landlord or the Crown, the landlord will be able to sue for excess area and in no other case. I have moved this amendment with the object of making the provisions of the Bill clear.

Mr. PRESIDENT: Motion moved: that in sub-clause (*2*) of clause 2 of the Bill, for the proposed sub-section (*1B*) with its proviso, the following be substituted, viz:—

"(*1B*) When in a suit or increase in the actual area of the tenure or holding is sought to be proved under clause (*a*) of sub-section (*1*), no Court shall proceed to enquire into the question of actual increase unless it is proved that any portion of the boundaries of the tenure or holding as originally settled, comprised a river or sea or land held *khas* by the landlord or the Crown."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. I do not think it is an improvement upon our drafting. Moreover, it tries to limit the scope of the Bill, because in cases where there is encroachment on another tenant's land, the landlord will not get any additional rent for the additional area. The honourable member proposes to limit it only to three cases, viz., where there is a river, or sea, or *khas* land. But what about the tenant himself?

Mr. PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 2 of the Bill, for the proposed sub-section (*1B*) with its proviso, the following be substituted, viz.:—

"(*1B*) When in a suit an increase in the actual area of the tenure or holding is sought to be proved under clause 4 of sub-section (*1*), no Court shall proceed to enquire into the question of actual increase unless it is proved that any portion of the boundaries of the tenure or holding as originally settled comprised a river or sea or land held *khas* by the landlord or the Crown.".

(The amendment was negatived.)

Mr. NUR AHMED: Mr. President, Sir, I beg to move that in sub-clause (*2*) of clause 2 of the Bill, in the proposed sub-section "(*1B*)", after the word "tenancy", in line 8, the words "or any other authentic record or document" be inserted.

Sir, sub-clause (*1B*) reads as follows:

"When in a suit an increase in the actual area of the tenure or holding is sought to be proved under clause (*a*) of sub-section (*1*), the Court shall inquire as to whether the present area of the tenure or

holding in suit is within the same defined boundaries as set forth in the *kabuliyat* or *patta* at the inception of the tenancy and so on". Here, the only documents mentioned are *kabuliyat* or *patta* and by this amendment I want to add "any other authentic record or document". In this case, the benefit will be restricted to the boundary as found in the *kabuliyat* or *patta*. It is known to the honourable members that there are many tenancies the origin of which is unknown and in case of occupany *raiyati*, there may not be any written document. It may so happen that there may be a suit between the landlord and the tenant and a *solenama* may have been filed. In that *solenama* there may be boundary of the tenancy. Also in some cases the landlord may file a suit and in the plaint of that suit that boundary will be given. That boundary may be utilised for the purpose of this sub-clause. So, my amendment is that if the benefit is to be given to the tenant with reference to boundary, I think it should not be confined only to *kabuliyat* or *patta* but it should be extended to any other authentic record. I use the word very carefully "authentic record or document", as for example a *solenama* or plaint in court. So, this is necessary in order to give full effect to the intention of the legislature. So, I appeal to the Hon'ble Minister in charge to accept my amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 2 of the Bill, in the proposed sub-section (*1B*), after the word "tenancy" in line 8, the words "or any other authentic record or document" be inserted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. The introduction of the words "or any other authentic record or document" will complicate matters and will introduce vagueness in the Bill clause. It is more in the interest of the tenant than in the interest of the landlord probably that it should be specific rather than vague. Because, in that case the landlord may depend on some document other than *kabuliyat* or *patta* and claim enhancement. It will then be for the tenant to rebut that the recitals in that document are not correct and I am sure the tenant will find it more difficult to do it than if the rule of presumption as laid down in this Bill clause is followed. So, I oppose this amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 2 of the Bill, in the proposed sub-section (*1B*), after the word "tenancy" in line 8, the words "or any other authentic record or document" be inserted.

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that clause 2 stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Rai Sahib INDU BHUSAN SARKER: Sir, I beg to move that lause 3 of the Bill be omitted.

Mr. PRESIDENT: You are not bound to make a speech in moving an amendment, if you do not like to do so.

Rai Sahib INDU BHUSAN SARKER: Raja Bahadur has also got the same amendment and probably he will make a speech.

Mr. PRESIDENT: Order, order. Amendment moved: that clause 3 of the Bill be omitted.

Rai MANMATHA NATH BOSE Bahadur: I beg to support, Sir, the amendment which has been proposed by my friend. The reason is this, that section 3 gives retrospective effect to the provisions of the Bill. I cannot support this, Sir, for the reason that it is well-settled that retrospective laws are *prima facie* of questionable policy and contrary to the general principle that legislation by which the conduct of mankind is to be regulated, ought, when introduced for the first time, to deal with future acts and ought not to change the character of past transactions carried on upon the faith of the then existing law. The maxim is familiar to every student of jurisprudence—a new law ought to be prospective, not retrospective in its operation.

Therefore, Sir, I support the amendment which has been proposed by my friend Rai Sahib Indu Bhusan Sarker.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have to oppose this amendment. Sir, I would just like to remind the House that amendment to clause 52 was introduced in the original Bengal Tenancy Amendment Bill as introduced by Government in the other House and also passed by this House. But His Excellency in exercise of his powers sent this Bill back on this point with a message that section 52 was outside the scope of the Bill. But at the same time he expressed the hope that the Government would introduce a Bill shortly to prevent the abuse of section 52 by landlords, and in realisation of the same this Bill has been introduced. Now, if the Bengal Tenancy Bill had gone through as it is then the amendment to section 52 also would have received retrospective effect from 27th August, 1937, the date on which the Bill was published in the Gazette and which was the specific provision of the original Bengal Tenancy Bill. Now, in order to give the benefit of this amendment to the people affected by the abuse of section 52, retrospective effect has been sought to be given to this Bill. I agree with my honourable friend Rai Bahadur Manmatha Nath

Bose that ordinarily retrospective effect should not be given to legislation because it takes away the vested right of persons, and it is against all canons of legislation, that unless under very special circumstances, retrospective effect should be avoided but in view of what I have submitted and explained the grounds which have induced Government to give retrospective effect to this Bill, I hope the House will support my Bill clause and reject the amendment.

Mr. PRESIDENT: The question before the House is that clause 3 of the Bill be omitted.

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that clause 3 stand part of the Bill.

(The motion was agreed to.)

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I have not said that I am not going to move my amendment.

Mr. PRESIDENT: I cannot help it, you must be prompt.

Title and Preamble.

The question before the House is that the Short Title and Preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Tenancy (Second Amendment) Bill, 1939, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved that the Bengal Tenancy (Second Amendment) Bill, 1939, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is that the Bengal Tenancy (Second Amendment) Bill, 1939, as settled in the Council, be passed.

(The motion was agreed to.)

Khan Bahadur ATAUR RAHMAN: On a point of information, Sir. May we know if it has been settled that we should sit to-morrow at 8 a.m.?

Mr. PRESIDENT: I shall deal with that question after the day's business is over.

The Indian Stamps (Bengal Amendment) Bill, 1939.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move, Sir, that the Indian Stamps (Bengal Amendment) Bill, 1939, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Indian Stamps (Bengal Amendment) Bill, 1993, be taken into consideration.

Mr. PRESIDENT: The question before the House is that the Indian Stamps (Bengal Amendment) Bill. 1939. as passed by the Assembly be taken into consideration.

(The motion was agreed to.)

Mr. RANAJIT PAL CHOUDHURY: Sir, on a point of submission. If Government say at the time of moving the amendments that they do not accept any of the amendments, perhaps members might not move them. Consequently, the Bill may be taken to have been passed.

Clause 1.

Mr. PRESIDENT: The question before the House is that clause 1 stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. PRESIDENT: The question before the House is that clause 2 stand part of the Bill.

(The motion was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is that the Title and the Preamble be added to the Bill.

(The question was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Indian Stamps (Bengal Amendment) Bill, 1938, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: That the Indian Stamps (Bengal Amendment) Bill, 1938, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is that the Indian Stamps (Bengal Amendment) Bill, 1938, as settled in the Council, be passed.

(The question was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I, Sir, with your permission, give notice of some amendments?

Mr. PRESIDENT: Yes, you may.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have the honour to give notice that, with your permission, I propose to move the following amendments to the Bengal Rural Poor and Unemployed Relief Bill, 1939, as passed by the Council on the 20th February, 1939, and as passed with amendments by the Assembly on the 20th March, 1939:—

(*1*) That in clause 3 of the Bill in sub-clause (*3*), for the words "different kinds of" in line 2, the word "separate" be substituted; and for the words "the key of another lock" in line 4, the words "that of the other" be substituted.

(*2*) That in clause 8 of the Bill, in sub-clause (*2*), for the two existing provisos, the following be substituted, namely:—

"Provided that the committee may, at a meeting thereof, direct that relief be granted—

(*a*) for a period exceeding five but not exceeding ten days at any one time, and

(*b*) in the form of clothing or other articles".

Revised time for the sitting of the Upper House.

Mr. PRESIDENT: Order, order. It has been suggested to me by several members of the House that it would be convenient if the House could sit in the morning from 8-00 a.m. to 10-00 a.m. I should like to have the general views of this House with regard to that suggestion. If there is consensus of opinion in favour of the new timing, then I will accept it. Therefore, will those members who favour morning sittings kindly rise in their seats?

(Almost all members except some members on the Congress Benches rose in their seats.)

I find that a great majority of the hon'ble members are in favour of morning sittings.

Mr. PRESIDENT: I now adjourn the House till 8-00 a.m. to-morrow.

Adjournment.

The Council then adjourned till 8 a.m. on the 18th May, 1939.

Members absent.

The following members were absent from the meeting held on the 17th May, 1939:—

(1) Mr. Narendra Chandra Datta.
(2) Mr. Kamini Kumar Dutta.
(3) Alhadj Khwaja Muhammad Esmail.
(4) Nawabzada Kamruddin Haider.
(5) Khan Bahadur M. Abdul Karim.
(6) Begum Hamida Momin.
(7) Rai Bahadur Satish Chandra Mukherji.
(8) Mr. E. C. Ormond.
(9) Mr. H. P. Poddar.
(10) Rai Bahadur Radhica Bhusan Roy.
(11) Mr. Sachindra Narayan Sanyal.
(12) Rai Sahib Jatindra Mohan Sen.
(13) Khan Bahadur M. Shamsuzzoha.
(14) Mr. D. H. Wilmer.

B. G. Press—1939-40—3637A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 18th May, 1939, at 8 a.m., being the tenth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Ban on Government employee.

54. Mr. RANAJIT PAL CHOUDHURI (on behalf of Mr. Shrish Chandra Chakraverti): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether there is any ban on a Government employee in becoming a four-anna member of the Indian National Congress or a member of the Moslem League;

(b) if so, why; and

(c) if the answer to clause (a) is in the affirmative, whether the Government propose to remove the ban at an early date?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) Yes.

(b) Because the Government Servants' Conduct Rules provide *inter alia* that no Government servant shall take part in, or subscribe in aid of, or in any way assist, any political movement in India.

(c) No.

Mr. RANAJIT PAL CHOUDHURI: Is the Moslem League a political organisation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, it is.

Mr. RANAJIT PAL CHOUDHURI: Can the Deputy President who is also the Deputy Legal Remembrancer continue to be a member of the Muslim League?

Mr. PRESIDENT: You mean the Deputy President of this House?

Mr. RANAJIT PAL CHOUDHURI: Yes, Sir. The Deputy President of the Upper House is also the Deputy Legal Remembrancer. Can he as such continue to remain a member of the Muslim League?

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Sir, as to the question whether the Deputy Legal Remembrancer is a Government servant in the full sense of the term or not, Government will take legal opinion on that point. So, I am not in a position to reply to the question of my honourable friend off-hand.

NON-OFFICIAL BILLS

Mr. PRESIDENT: We will now take up Non-Official Bills.

The Bengal Rural Poor and Unemployed Relief Bill, 1939.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move that the amendments made to the Bill by the Assembly be taken into consideration.

Mr. PRESIDENT: Motion moved—that the amendments made to the Bengal Rural Poor and Unemployed Relief Bill, 1939, by the Assembly be taken into consideration.

Mr. PRESIDENT: The question before the House is that the amendments made to the Bengal Rural Poor and Unemployed Relief Bill, 1939, by the Assembly be taken into consideration.

(The question was agreed to:)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government had tabled certain amendments to this Bill but I am glad to say that the Government do not intend to move any of them. So, I will not move them.

Mr. PRESIDENT: What about Rai Bahadur Keshab Chandra Banerjee? You have got certain amendments also. Are you going to move them?

Rai KESHAB CHANDRA BANERJEE Bahadur: No, Sir, I too, do not move any one of my amendments.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that the Bengal Rural Poor and Unemployed Relief Bill, 1939, as further settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bengal Rural Poor and Unemployed Relief Bill, 1939, as further settled in the Council, be passed.

Khan Bahadur ATAUR RAHMAN: Sir, what is the point in saying as "further" settled, since no amendments have been made in this House?

Mr. PRESIDENT: "Further settled" means that this House has accepted the amendments made in the Lower House. The question now before the House is that the Bill as further settled in the Council be passed.

(The question was agreed to.)

The Public Demands Recovery (Amendment) Bill, 1937.

Mr. NUR AHMED: I beg to move that the Public Demands Recovery (Amendment) Bill, 1937, be taken into consideration.

Sir, in pressing this motion before the House, I beg to refer to the Statement of Objects and Reasons in which I have clearly stated the purpose of this Bill. This Bill seeks to amend the Bengal Public Demands Recovery Act, 1913, so as to protect honest debtors from detention in civil prison and to confine such detention to debtors proved to be recalcitrant or fraudlent and dishonest. It also provides that no order for execution by detention or imprisonment shall be issued unless the debtor has been given an opportunity of showing cause why he should not be committed to prison and the Certificate Officer is satisfied for reasons recorded in writing that (*i*) the certificate debtor is likely to leave the local limits of the jurisdiction of the court or has after the filing of the certificate fradulently disposed of his property, and (*ii*) that he is able to pay the amount of the certificate debt otherwise than from the protected assets. In this, no new departure is made. The Government has already adoped this principle as the outcome of the recommendation of the Royal Commission on Labour and Act XXI of 1936 has already been passed by the Central Legislature embodying a similar provision in the Civil Procedure Code. Secondly, it seeks to reduce the rate of interest charged under section 22 of the Act by half. This has already been done by the Bengal Rates of Interest Bill, 1939. This is necessary on account of the distress prevailing in the country and owing to the fact that on account of the present high rates of interest the certificate debtor or the person affected by the sale cannot get the sale set aside by making the deposit. It often happens that the deposit is made one or two years after the date of the certificate. It may be pointed out in this connection that rate of interest under the Bengal Tenancy Act of

1928 has been reduced from 12 per cent. to 6¼ per cent. in the Bengal Tenancy Amending Bill (already published in the *Calcutta Gazette* of the 27th August, 1937). Thirdly, it seeks to repeal sections 60, 62, 63 and 64 from the Act. This is necessary to give relief to cultivators and tenants and more so as the Government has already deleted similar sections by the Bengal Tenancy Amending Bill which has done away with Chapter XIIIA of the Bengal Tenancy Act. So, these sections have to be repealed for the best interest of the *raiyats*. Fourthly, it further seeks to give power to the local authorities to realise their dues under the provisions of the Act. It will be advantageous both to local authorities and provisions affected as it will minimise to a large extent the cost of realisation.

This will give a clear idea of the purpose of my Bill. In this Bill, I have proposed nothing which is new and startling. I only want to give effect to those amendments which have already been accepted by this Government and also by the Central Legislature. With these few words, I again press my motion for the acceptance of the House.

Mr. PRESIDENT: Motion moved: that the Bengal Public Demands Recovery (Amendment) Bill, 1937, be taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bengal Public Demands Recovery (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

Sir, my justification for moving this motion is as follows. There are principally four points in the Bill. Firstly, the honourable member seeks to introduce an amendment on the analogy of the amendment of the Civil Procedure Code so as to prevent people being sent to civil prison for default in payment of their dues. Now, on principle there is no objection to this amendment but without eliciting public opinion on that point I do not think Government will be justified in accepting the suggestion of the hon'ble member in this Bill, because in public demands the amount involved is sometimes very small and moreover, public demands are specific. So, there can be no objection as regards the amount nor is there any vagueness about the dues. So, on principle there is much to be said in favour of the amendment suggested by the mover. The second point is that he wants to reduce the rate of interest by half. That has already been done by the Rates of Interest Bill, 1939, passed by this House quite recently and, Sir, it was a Government Bill. So, there is no point in including that provision in this Bill. Thirdly, it has been suggested that sections 60, 62, 63 and 64 of the Act should be amended. These suggestions deal with the right of

realisation of rent under the Public Demands Recovery Act. Now, the right of private landlords under Chapter XIIIA of the Public Demands Recovery Act has already been taken away. That is the justification given by the hon'ble mover of the Bill in his Statement of Objects and Reasons, but Government still retain that right. The operation of the certificate procedure under the Public Demands Recovery Act has been suspended for two years in the *khas mahal* and Court of Wards Estates and the matter is now in an experimental stage. Government want to find out whether they can manage realisation of rent in the *khas mahal* without the help of the Public Demands Recovery Act. The House will bear in mind that this is a public demand and the revenues of the Province depend very much on their realisation. In a Province with a total revenue of 13 crores, our demand from land revenue alone amounts to nearly Rs. 3 crores 15 lakhs. Then there are the cesses. The activities of District Boards depend very much on the regular realisation of cess. If we cannot assure the District Boards of this income and regular payment from the cess, their activities would come to a stand-still. So, that is a risk which must be avoided and Government are not prepared to make that experiment. Now, Sir, as the operation of the certificate procedure has been suspended at least for 2 years, there is no urgency for this amendment. Secondly, if Government find the experiment successful and they are in a position to realise rent without the help of the certificate procedure, then the Act will be a dead letter: the power will remain and could be resorted to by Government whenever and wherever necessary but otherwise it would be a dead letter for all practical purposes. So, there is no justification for Government to make use of that power. The very fact that that power is there may have a salutary effect on the debtors. The fourth proposal is that—and it is very interesting, the hon'ble member is here speaking not as an M.L.C. moving this Bill, but as the Chairman of a municipality—it is very interesting that he has suggested that District Boards and municipalities should be invested with the power of recovering their dues under the Public Demands Recovery Act. This shows that the honourable member appreciates the necessity of the Public Demands Recovery Act. Now, Sir, the District Boards and the municipalities—of course the District Boards themselves do not realise the cess—it is done by Government for them, but the municipalities realise their own rates—if the municipalities feel the necessity of a summary method of realisation, how much more would it be necessary for Government to be assured of a quicker method of realisation? So, the honourable member is here in an inconsistent and contradictory position. The fact that he suggests that local bodies are to be invested with the power of realisation of their dues under the Public Demands Recovery Act militates against the very principle of his Bill. Now, the House may be aware that the municipalities have under the Bengal Municipal Act special powers for realising their dues by summary

methods. In spite of that and over and above that, the honourable member wants to invest them with powers for realization under the Public Demands Recovery Act. So, these are my grounds for moving that the Bill ought to be circulated for eliciting public opinion. Government cannot accept the proposal for reference of the Bill to a Select Committee without eliciting public opinion on it.

Mr. PRESIDENT: Amendment moved: that the Bengal Public Demands Recovery (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

Mr. PRESIDENT: The question before the House is that the Bengal Public Demands Recovery (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

(The amendment was agreed to.)

The Bengal (Rural) Primary Education (Amendment) Bill, 1937.

Mr. NUR AHMED: Mr. President, Sir, I beg to move that the Bengal (Rural) Primary Education (Amendment) Bill, 1937, be taken into consideration.

Sir, in moving this motion I have to explain the principle of this Bill. This is a very simple amending Bill and I have fully explained the purpose of the Bill in the Statement of Objects and Reasons. The main objects of the proposed amendment are: (1) to increase the hours of religious instructions from one to three hours; (2) to make provision for imposition of a daily fine in case of continued default in complying with the directions of the court issued under sub-section (2) of section 62 to provide necessary option to local Government to permit the privately managed institutions to levy fees in those areas where education is declared compulsory without imposition of education cess and to make other minor modifications for the interest of efficient primary education.

The period of one hour in a week provided in the original Act is too inadequate and insufficient even for imparting a semblance of religious education. In Chittagong Municipality where religious education has been made compulsory, 5 hours have been provided without any hindrance to the study of general subjects and the general efficiency has not been affected thereby in any way. In the Province of Madras and elsewhere by recent amendment, local option has been given to impose fee in privately managed primary schools even where the primary education has been declared compulsory and the report goes that it is working well.

Sir, I have briefly explained the purpose of the Bill. This is a very simple Bill, and it contains only those amendments which are absolutely

necessary for the efficient and effective working of the present Act. By clause 1, I propose a small change in the constitution of the Central Primary Education Committee. I propose a provision for a lady member. A lady must be a member of the Central Committee. There is no provision at present for taking a lady as a member of the Central Committee. I think every member of the House will agree that a lady should be included in the Central Committee, because this Central Committee will deal with primary education for both boys and girls. Then, I propose to replace the Director of Public Instruction by the Special Officer for Primary Education. This is the first clause. There are only two small amendments.

Then, I must draw the attention of the House to a mistake. Originally I sent the amending Bill containing more amendments. Then subsequently I amended it, but I find that clause 2 has been included. I do not want to press clause 2. That clause deals with the formation of the District School Boards Committee, that is clause (*a*). There is a provision that the District Magistrate will be ex-officio member of the District School Board. I omitted it but through mistake I find that that clause has been retained. I will not press clause 2.

By clause 3, I propose for an appeal by the School Board against the decision of the Divisional Commissioner. There is a provision in the original Act that if the Divisional Commissioner wants he can suspend any order of the District School Board, execution of any resolution of the District School Board can be suspended or stayed by him. I propose that against that order of the Divisional Commissioner there should be an appeal to the popular Government, that is the Government of the day. This is clause No. 3.

By clause 4, I propose to make it obligatory on the part of the Local Government to declare primary education compulsory in a particular area if it is satisfied that adequate provision has been made and other conditions have been fulfilled.

By clause 5, I propose to provide option to local Government to permit the privately managed schools to levy fee in those areas where education is declared compulsory for the interest of efficient primary education. This is very important, because it will appear that Government has not got all the money, and there is no likelihood of getting all the money that is required for introducing free and compulsory education throughout Bengal. It will take a number of years to introduce primary education gradually. So, it will be necessary, if we are to have any sort of efficient primary education, to have privately managed schools which are efficiently run. So, this amendment is necessary. Therefore, the privately managed institution should have power to levy fees in those areas only where educational cess will not be imposed. This has been tried in Madras. I find from the recent

amendment of the Madras Act and the report that it is working very satisfactorily. So, I want to introduce this principle here also.

There is another clause, clause (*6*), which I propose to incorporate in the Act. When a boy is absent from school, notice will be served upon the guardian to get him admitted in a school or to make necessary arrangements for the education of his ward. If he does not comply with the notice in due time, the Court will summon him and he will be fined. There is no provision to meet the case where he does not comply after being once fined. In a case like this, there is no provision in this Act to enforce admission into the school again. So, I propose a small daily fine if the boys remain absent. These are the main clauses which I propose. I think amendments proposed by me are necessary for the efficient and effective working of the Act. The Act has already been put into operation in 13 or 14 districts of Bengal and it is proposed to extend it throughout Bengal very soon. So, I have come up before this House with this very necessary amendment, and I hope and expect that the House will accept this amendment for the effective and efficient working of this Act.

Mr. PRESIDENT: Motion moved: that the Bengal Rural Primary Education Amendment Bill, 1937, be taken into consideration.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am very reluctant to oppose this Bill but I feel that it is my duty that it should be opposed, because the reasons that have been given for the amendment are in my opinion not justified. For example, I would like first of all to deal with the Statement of Objects and Reasons.....

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, there is no motion for opposing the Bill.

Mr. PRESIDENT: That is so, but this is the stage when he should oppose the Bill.

The Hon'ble Khwaja Sir NAZIMUDDIN: For a negative motion no definite motion is necessary. You can always oppose a motion that has been moved, and no motion need be admitted for that purpose. I take, Sir, the Statement of Objects and Reasons which has been given and which has been amplified by the honourable member, and it will be apparent that there is no reason whatsoever for making the amendments that he has proposed. First of all, the amendment is to increase hours of religious instruction from 1 to 3. This is one of the provisions that can be given effect to without any statutory provision but by executive orders. So I feel, Sir, there should not be

a statutory provision of this kind. It should be left to the department to provide for it wherever they feel necessary. Secondly, there is the question of continued default in complying with the directions of the court issued under sub-section (2). As regards the question of fines for not regularly attending, that again, I submit, is absolutely unnecessary, because even under the existing Act if a parent or guardian after having been fined once refuses to send his ward to the school, then he is liable to be fined again. Whereas the existing provision is more drastic, namely, that Rs. 5 can be imposed, the honourable member has only suggested annas four. So, I do not see how his suggestion is an improvement on the existing provision of the Act.

Then the third is a provision about clause No. 5 which says that "no fees shall be charged by any primary school under public management in any area in which primary education has been declared compulsory or when the provision of this Act has been extended and cess imposed in any area even before the primary education be declared compulsory. Provided that the Local Government at the recommendation of the District School Board may allow the levy of fee in any school not publicly managed in any area in which the education cess has not been imposed." Sir, it is obvious that as long as the Primary Education Act is not enforced in any area, there is no bar to the imposition of a fee, and it is inconceivable that the Primary Education Act will be enforced without the imposition of cess, and if you realize cess then there is no justification for allowing fees to be levied in any private school whatsoever. One of the fundamental principles of the Primary Education Act is that once an area has been called upon to pay education cess, there should not be any other fee levied for primary education in that area. Primary Education is to be free and compulsory. There should be no fees as long as the people are paying the education cess. Now what does the honourable member propose. His proposal is difficult to be understood. It appears he says that if the Primary Education Act is enforced and at the same time no cess is levied from that area, the two things are absolutely contradictory. I cannot conceive of any area in which the Primary Education Act is enforced and at the time the cess is not imposed. You cannot enforce the Primary Education Act without imposing the cess. Therefore, it seems to me there is absolutely no necessity whatsoever for imposing fees. As long as the Education Act is not enforced, there is a right to levy a fee in any private institution, and if the Act is enforced, not only the Act but the cess must be imposed, then the question of levying fees does not arise. It will be absolutely wrong on principle to have fee in any private school whatsoever once that area has been called upon to pay the primary education cess.

Then, Sir, I come to the question of clause 4 which says that "In section 56 substitute the word 'shall' in place of the word 'may'

wherever it occurs in this section." Here again, I consider that this will make the Act unworkable if you have this provision. I suggest this because it means that as soon as the Primary Education Act is enforced in any area, primary education becomes compulsory. Now, you cannot make primary education compulsory until and unless you have already provided facilities for the boys to go to a primary school. That is to say, in that case every area must be fully supplied with a primary school before you can make the Act compulsory. Therefore, it will be absolutely iniquitous that although there is no school in a particular area yet at the same time you are going to penalise the boys for not going to primary schools. Government want that primary education should be free and compulsory and there is no reason to suppose or to anticipate that Government will not enforce the provisions of compulsion as soon as they are ready to enforce it; that is to say, as soon as any area has been fully filled up with primary schools, so that the boys can have facilities to go to them and so that the schools are at such a distance that every small boy can easily attend them—then in that area, without any difficulty compulsion in the matter of primary education can be enforced and primary education can be made free and compulsory. Therefore I see no reason why the honourable member should think that once all the facilities are there, when all the conditions which are necessary before compulsion can be enforced—when all these conditions are there, why Government should not enforce compulsion. Sir, if I may bring in one thing which is not quite relevant to the present Bill, the honourable member knows very well that Government went to the length of enforcing compulsion in the municipal area of Chittagong at the request of the sponsor of this Bill as soon as they were satisfied that in the town of Chittagong full facilities had been provided for the boys to go to the primary schools and they felt that as the municipality of Chittagong had got the necessary number of schools for boys, compulsion should be enforced there. Without any difficulty whatsoever Government accepted the proposal of the Chittagong Municipality as they were satisfied that in that municipality compulsion could be enforced without causing any hardship to any section of the population there. It is the aim and object of the Education Department that there should be no suspicion or distrust; there is no reason to think that we are not going to make primary education compulsory. They want to do all these because that is the whole object of the Act with which it was brought into being, namely, that primary education will be made free and compulsory and that is why it has been deliberately provided in the Act "it may" and not "shall". For this reason, namely, that we have not got the sufficient number of schools that are necessary, we are not able to make primary education compulsory.

Therefore, I suggest that this is a provision which is absolutely unnecessary.

Let me now refer to clause 1 which wants to substitute a Special Officer in place of the Director of Public Instruction and further suggests that there should be a lady specially interested in education. Here again, I do not see any reason or justification for a change of this kind. After all, this is a matter which should be left to the Education Department and not to others as to who should represent the Government on a board like this. I personally think that the Director of Public Instruction would be a more suitable officer than the Special Officer for primary education. I also feel that it is not necessary to have a statutory provision for the representation of a lady on the Board. Government have the right of nomination and they can always nominate a lady whenever they think it is necessary and suitable. So, here again I do not see any reason for a compulsory provision for this. Finally, in view of what I have stated, I hope the honourable member will not press his motion. I think it is absolutely necessary that before the existing Primary Education Act is amended, we should have further experience of its working. Sir, I may tell the House that the Act was drafted after very mature consideration and it was based on the experience of a large number of officers of the Education Department; so until flaws have been detected in the actual working of the Act, it is not fair to try to tamper with the general scheme of the Act. Then again, if the proposals that are embodied in this Bill had emanated from those districts where District School Boards have been established and where certain provisions of the Primary Education Act have been enforced and if they had found some practical difficulties in giving effect to them—then I could understand that there might be some amount of justification for coming forward with an amending Bill. But Sir, so far as I know in those district where district school boards have been established and where provisions for enforcing the cess have advanced a long way, that is to say, where district school boards have been working for a number of years—from none of those districts has there been so far any demand whatsoever for amending the existing Primary Education Act. These provisions which have been set forth in the amending Bill—none of the District School Boards who have been actually working the Act in the practical field have felt the necessity of any of these provisions and therefore I feel that the legislature should be very reluctant in the matter of amending an Act which is the result of a great deal of thinking and consultation with educational experts of the Province. After an Act has been passed, I think, Sir, that that Act should not be light-heartedly amended until and unless it has been satisfactorily proved that there is real necessity for its amendment. Therefore, I hope that the honourable mover of the Bill

will not press his motion. I repeat that if Government felt that these amendments which have been suggested in the Bill were really necessary in the interest of the expansion of primary education, really necessary to enforce the Primary Education Act, then Government would have no hesitation in extending their full support to a Bill of this kind. But, Sir, at the present time we feel that there is no necessity for it and I therefore hope that the honourable member will be good enough not to press his motion.

Mr. PRESIDENT: Mr. Nur Ahmed, you have your right of reply.

Mr. NUR AHMED: Thank you, Sir. As the present Home Minister was the author of the Primary Education Act and knows the facts better than many of us, and in view of the assurance that he has given that if Government think it necessary they will introduce an Amending Bill on the lines I have proposed in my Bill and in view of the explanation given by him, I beg leave of the House to withdraw my motion for consideration of this Bill. I am, of course, not withdrawing my Bill but simply the motion for consideration thereof.

The motion of Mr. Nur Ahmed was then by leave of the House withdrawn.

The Bengal Juvenile Smoking (Amendment) Bill, 1938.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Juvenile Smoking (Amendment) Bill, 1938, be taken into consideration.

Sir, this is a very small amending Bill. The original Act was passed as long ago as 1919 but it has remained so long practically a dead letter. All the enlightened sections of the people in Bengal feel the urgency and necessity of a legislation like this. It is an admitted fact that the smoking of cigarettes and *bidis* by young boys, not exceeding the age of 16, is doing incalculable harm to the boys and it is necessary that some sort of a measure should be passed to stop this habit. With this very noble object the original Bill was passed in 1919 but owing to some defects in the Bill it has remained a dead letter. So my present object is to alter the definition of a public place on the lines of recent experience and also to give wide power to Municipal Commissioners and members of District Boards, Union Boards and teachers and to all other persons who are interested in this matter, namely, in the matter of giving effect to the provisions of this Bill. I think, Sir, it is a very beneficial measure and there can be no objection to the proposed amendment. With these few words, I move my motion with the hope that it will be accepted by the House.

Mr. PRESIDENT: Motion moved: that the Bengal Juvenile Smoking (Amendment) Bill, 1938, be taken into consideration.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to support the motion. It is high time that we should have some sort of law like this. I find from the list of amendments tabled that the Hon'ble Minister in charge of this department who I believe is a non-smoker has proposed that the Bill be circulated for eliciting public opinion. Sir, I am very much afraid of the word "circulation," as it apparently means that the whole thing is going to be shelved. If the Hon'ble Minister, however, says that there are some defects in the drafting of the Bill and gives an assurance that he will himself put forward a better Bill, then we would agree to the motion for circulation; otherwise, I think the Bill as it is drafted is very beneficial. Our young generation is taking to this vice at an early age, which is causing a great economic loss to the country. Possibly, it is not known to many that the consumption of cigarettes drains away more than two crores of rupees from this country and the smoking of *bidis* and cigarettes is a very great nuisance in the countryside. I may mention in this connection that last summer and during this summer many villages were burnt down owing to the smoking of *bidis* by young boys and throwing the leaves of *bidis* on the public streets. So, if this Bill is passed, this law will be of a great use and benefit and do a lot of good to the country. I hope, therefore, that the Hon'ble Minister will not shelve this Bill altogether by his amendment for circulation.

The Hon'ble Mr. TAMIZUDDIN KHAN: I beg to move that the Bengal Juvenile Smoking (Amendment) Bill, 1938, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939. Sir, I think that my hon'ble friend Khan Bahadur Ataur Rahman is labouring under a misapprehension. He says that the object of the Bill is a very laudable one and therefore Government should not stand in the way of passing the Bill in this House. But in fact, this is not a new measure at all; we have already got a Juvenile Smoking Act on the Statute Book. What Mr. Nur Ahmed wants is to amend that Juvenile Smoking Act. (MR. NUR AHMED: Yes, not only to amend it but to make it more workable and effective.) I may say, Sir, that the Act as it stands now is almost a dead letter. Although there is an Act like that on the Statute Book, I think hardly any member of the House knows that there is a measure like this and that it is operating anywhere. In fact, up till now the Act has been in force only in a few towns, namely, in Chittagong, Berhampore, Jalpaiguri, Pabna, and Calcutta. Sir, I do not think that anyone is opposed to the object with which my honourable friend has brought forward this measure. He wants to make the Bill perhaps a little more workable, but I have my own doubts as to whether the Bill will be workable

even if the amendments proposed by my honourable friend are given effect to. The amendments proposed are in certain respects of a somewhat drastic character. Under section 4 of the present Act, Headmasters of High and Middle English Schools and also Headmasters of *madrasahs* are empowered to seize tobacco when they find juveniles smoking the same. But my honourable friend now wants that this power should be given to other persons also. He proposes that the power should be given to chaukidars, daffadars, teachers of recognized schools and affiliated colleges, members of Municipal Boards, members of District Boards, members of Union Boards, Executive Officers, Councillors and Aldermen of the Calcutta Corporation, Registered Medical Practitioners, Legal Practitioners, any Municipal or District Board employee drawing a monthly salary of not less than Rs. 25, or any Magistrate. He wants that all these classes of people should be empowered to seize tobacco when they see juveniles smoking the same. Sir, it is a matter for consideration whether it will be wise to give this power to all these people. When power is given to a Headmaster to seize tobacco when it is being smoked by his pupil, there is nothing very objectionable in that. But whether a juvenile of say 15 years of age, probably reading in a college, will tolerate seizure of tobacco by a Union Board Member or a chaukidar or an employee of a District Board drawing a salary of Rs. 25, that is a matter which requires some consideration. Therefore, what I propose is to circulate the Bill to elicit public opinion. If public opinion is in favour of a measure like this, Government will never stand in the way of my friend's laudable object in respect of this social legislation. I therefore, think, Sir, that my friend will not object to the circulation of the Bill. Government has no intention to circulate the Bill for the purpose of killing it. Government will always be prepared to help the hon'ble member in passing the Bill, provided it is found that the public in general are in favour of a measure like this.

Mr. PRESIDENT: Amendment moved: that the Bengal Juvenile Smoking (Amendment) Bill, 1938, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

Mr. NARESH NATH MOOKERJEE: Sir, I wish to lend my wholehearted support to my friend Mr. Nur Ahmed. Also, Sir, I desire to oppose the Hon'ble Minister's motion referring this Bill for circulation. It is a pity, Sir, that private Bills of this nature are continually opposed by Government. I do not say it is always with an idea to shelve it, but it is very often done with an idea to delay it to such an extent that the force of the Bill is lost, and also with a view to give Government a chance to bring up another Bill of a similar character in another House possibly.

Sir, I do not think any useful purpose will be served by sending this Bill into circulation. After all, whom are we going to ask as to whether it is good for boys to smoke or not. There cannot be two opinions in any section of the House or anywhere outside as to the utility of this Bill. As a matter of fact, as far back as 1919 the Government felt that this Bill was necessary. The amendments that are proposed in this Bill are very simple. What the honourable member wants to do is to give wider powers to responsible members of the public to stop this vice among boys, the idea being that something useful and effective will be done. Formerly, powers were given only to Headmasters. After all, how many Headmasters can there be in a city or in a village and what amount of check can these headmasters bring upon the boys? The powers that are now proposed to be given to the responsible people, I think, are likely to bring more effective check upon this vice. I think, Sir, the Government should not oppose this measure. The public are fully aware, Sir, that it is not good for our young men to smoke, particularly those below 16. After all, our young men are not growing up healthier and stronger as is well known to all sections of this House. Very often it is found that our young men cannot pass even the elementary physical tests necessary to qualify them for any post of responsibility. I think, Sir, that smoking is to a very great extent responsible for the pigmies that we are finding nowadays in our country. Then again, Sir, in clause 2, the amendment that is suggested is also a very simple one. What we want to do is to impose a fine. Sir, I do not see any objection to the imposition of a fine, because it will only make the law more effective. Sir, on the whole, I think the amendments proposed in this Bill are very useful and the Government should really help us to get this Bill enacted into law.

Mr. PRESIDENT: The question before the House is that the Bengal Juvenile Smoking (Amendment) Bill, 1938, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

The House divided:—

AYES—25.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Baksh, Mr. Kader.
Barua, Dr. Arabinda.
Bose, Rai Bahadur Manmatha Nath.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Khan Bahadur Rezzaqui Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur S. Fazal.
Hossain, Mr. Latafat.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Khan, Khan Bahadur Muhammad Asaf.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Roy Chowdhury, Mr. Krishna Chandra, O. B. E.
Sarker, Rai Sahib Indu Bhusan.
Scott-Kerr, Mr. W. F.
Singh Roy, Mr. Sailesswar.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES—10.

Ahmed, Mr. Nur.
Chakraverti, Mr. Srish Chandra.
Datta, Mr. Bankim Chandra.
Goswami, Mr. Kanai Lal.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Pal Choudhury, Mr. Ranajit.
Rahman, Khan Bahadur Ataur.

(The amendment was carried.)

The Bengal Food Adulteration (Amendment) Bill, 1938.

Mr. PRESIDENT: Mr. Nur Ahmed will now move his Food Adulteration (Amendment) Bill. Do you or do you not intend to move your motion? You must be very prompt if you want to move your motion. Do you want to move it?

Mr. NUR AHMED: Yes, Sir, I want to move it. I am very sorry, Sir, that I was not quite attentive.

I beg to move that the Bengal Food Adulteration (Amendment) Bill, 1938, be taken into consideration. Sir, in moving this amendment I need only place before the House the Statement of Objects and Reasons which fully explains the purpose of the Bill. Of course, Sir, it is a very difficult subject and the question raised is also a very complicated one. This Act is a very important Act from the public health point of view in Bengal. As the chairman of a municipality for the last 18 years we found some difficulty in working the Act and therefore in the light of the difficulties experienced in the practical working of the Act, I have drafted this Bill. The Bengal Food Adulteration Act, 1919, stands in need of amendment in the light of the altered circumstances in the wording of the Act as it stands now; various loopholes have been detected and unscrupulous sellers taking advantage of.....

Mr. PRESIDENT: Order, order. Your Bill together with the Statement of Objects and Reasons has been circulated to the members of this House. So, you need not read the whole of your Statement of Objects and Reasons. You can only give a summary of the Statement.

Mr. NUR AHMED: Very well, Sir. This amending Bill has been brought forward with a view to remove the loopholes which have been found in the actual working of the present Act. Sir, I have explained fully the object of my Bill in my statement and I have nothing further to add and I hope that my motion will be accepted by the House.

Mr. PRESIDENT: Motion moved: that the Bengal Food Adulteration (Amendment) Bill, 1938, be taken into consideration.

The Hon'ble Mr. TAMIZUDDIN KHAN: I beg to move that the Bengal Food Adulteration (Amendment) Bill, 1938, be circulated for the purpose of eliciting opinion thereon by 31st December, 1939.

Sir, I would again like to make it clear to the hon'ble members of this House that it is in no obstructive spirit that I move this amendment. On the other hand, I am thankful to my honourable friend for having tabled this motion because it has drawn the attention not only of Government but also of the country as a whole to the necessity of an amendment of the Act. So far as the Government is concerned, the Bengal Food Adulteration Act is being throughly examined at the present moment. We have found that the present Act has got a good many defects and these defects require rectification as early as possible; otherwise the Act cannot be smoothly administered. My honourable friend has rightly pointed out that unscrupulous people are taking advantage of the defects in the Act and are trying to and at times have actually been able to, evade the provisions of this measure. Therefore, that an amendment is called for is admitted on all hands. But the only comment that I have to make is that the amendment proposed by my hon'ble friend is not of a very comprehensive character; and quite naturally so, for a private member cannot look into all the aspects of a measure so easily as a department of Government can. Therefore, although he has dealt with the subject very ably he has omitted certain things which are also necessary to be incorporated in a Bill like this. Government is examining the whole measure in the light of its actual working during these years and they expect to bring forward a measure of a more comprehensive character as early as possible before the legislature. It will, therefore, be helpful to Government as well to this House if my hon'ble friend does not press for the passage of the Bill during this session. I may also say that the amendment that he has suggested will be taken into consideration by Government and I have no doubt that many of his suggestions will be incorporated in the Bill that Government will frame. Therefore, I think that it would be better if in the meantime the Bill was circulated for eliciting public opinion. Government will by the time that the Bill comes back from circulation frame their own measure and place it before the House as early as possible. So, in this view of the case, I hope the hon'ble member will not press his motion. I also hope that the House will support my motion for the circulation of the Bill.

Mr. PRESIDENT: Amendment moved: 'that the Bengal Food Adulteration (Amendment) Bill, 1938, be circulated for the purpose of eliciting opinion thereon by 31st December, 1939.

Mr. NUR AHMED: With your permission, Mr. President, I beg to submit that I have no objection to the amendment of the Hon'ble

Minister, because I find that it is a very complicated subject. It affects various interests and so on second thoughts I consider it desirable that public opinion should be elicited on the provisions of my amending Bill. Therefore, I have no objection to the amendment of the Hon'ble Minister.

Mr. PRESIDENT: The question before the House is that the Bengal Food Adulteration (Amendment) Bill, 1938, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

(The amendment was agreed to.)

The Bengal Suppression of Immoral Traffic (Amendment) Bill, 1938.

Mr. NUR AHMED: I beg to move that the Bengal Suppression of Immoral Traffic (Amendment) Bill, 1938, be taken into consideration.

Sir, In moving this motion I think I should be very brief, because the object of my Bill has been fully explained in the Statement of Objects and Reasons in which I have also made clear the main purpose of my amending Bill. This is a Bill, Sir, which is very necessary to do away with the necessary evil which is called prostitution within municipal areas and local areas and it gives powers to municipal bodies not indeed to stop this evil altogether but to regulate it. With this view, provisions have been made for the service of notice upon the prostitutes or the owner of a house in which prostitution is carried on to remove it outside the local area. This is a very simple Bill, Sir, and I do not think that it will be objected to by this House. I appeal to the House to accept my motion.

Mr. PRESIDENT: Motion moved: that the Bengal Suppression of Immoral Traffic (Amendment) Bill, 1938, be taken into consideration.

The Hon'ble Khwaja Sir NAZIMUDDIN: With your permission, Sir, I would like to move a short notice amendment to this effect that the Bill be circulated for eliciting opinion thereon by the 30th of November, 1939. In support of this amendment, I would like to state that this is a measure of social legislation which aught to be circulated for opinion before it can come before the House. In the Bill, it is proposed that certain responsibilities will be placed upon municipalities and certain powers are also going to be given to them. But before these powers are given to them, it must be ascertained from the municipalities concerned as to whether they are prepared to undertake those powers and whether it is feasible to give them those powers. I, therefore, hope that the honourable mover of the motion will not object to my motion and will allow the Bill to be circulated for eliciting opinion thereon. I have made the date of the circulation as early as

possible so that there will be no delay in the Bill coming forward when the House next meets. By that time we shall be able to take up this matter without any difficulty. So, it will be seen that my date, namely, the 30th of November, is not unreasonable.

Mr. PRESIDENT: Amendment moved: that the Bengal Suppression of Immoral Traffic (Amendment) Bill, 1938, be circulated for eliciting opinion thereon by the 30th November, 1939.

Mr. NUR AHMED: I have no objection if this amendment is accepted by the House.

Mr. PRESIDENT: The question before the House is that the Bengal Suppression of Immoral Traffic (Amendment) Bill, 1938, be circulated for eliciting opinion thereon by the 30th November, 1939.

(The amendment was agreed to.)

The Bengal Local Option Bill, 1938.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Local Option Bill, 1938, be taken into consideration. Sir, I have explained the object of my Bill in the Statement of Objects and Reasons. This is a very useful and beneficial measure and also contains a very modest demand. Prohibition is working at full speed in many provinces in India but only Bengal is lagging behind. My amendment is a very modest one. I have proposed the regulation of the hours of sale of intoxicating drugs within local areas. A similar Act has also been placed on the statute book in the Punjab and has been working very well. My Bill has been drafted on the lines of the Punjab Act. I may state for the information of my European friends that foreign liquor has been exclued from the purview of my Bill and also necessary precaution has been taken so that no interests may be adversely affected. It deals with local option, that is to say, to regulate the hours and to reduce the number of shops to a certain extent but not to abolish the shops altogether. So, Sir, this measure is a very moderate one and I appeal to the House to pass my motion for consideration of the Bill.

Mr. PRESIDENT: Amendment moved: that the Bengal Local Option Bill, 1938, be taken into consideration.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, I beg to oppose this Bill on the simple ground that the present Excise law is quite up to date and is functioning properly. My reason for opposing this Bill is that there have been established all over this province Licensing Boards but in the Bill it is said that these Boards are not doing their

duties properly. But, Sir, that is not true. My second point is that it is apprehended among local bodies that if you extend the powers of local bodies under sections 4 and 5, they will only serve their own individual interests instead of serving the interests of the consumers and corruption will prevail. Moreover, there are difficulties in the way of introducing Prohibition in one Union Board whereas its neighbouring union boards might decide otherwise. If there is only one Excise shop of each kind, the matter would be more difficult. Then again, the reduction in the number of such shops by one-third as contemplated in section 4 of the Bill, is not a practical proposition. The provisions of section 6 of the Bill which entrust local bodies with the power of overriding the provisions of the Excise Act, are not warranted by the precedent in any other province, as far as I know. Therefore, I request the honourable mover to withdraw this Bill because it is not necessary at the present moment. It is well known that our ultimate aim and object is Prohibition and we have also been moving in that direction. We have got the Advisory Boards in all districts and we are doing what we can to reach the ultimate goal of Prohibition.

Mr. NUR AHMED: Mr. President, Sir, in reply I beg to submit a few words to the hon'ble members of this House. The Hon'ble Minister in charge told us that he had opposed the Bill on the ground that there is already a Local Advisory Committee to advise the Government as regards the regulation of hours, location of shops, etc. As a member of the Local Advisory Committee, I can assure the House that there is very little power in the hands of the Advisory Committee. They can only advise. The Advisory Committee's recommendations in many cases have been upset by the ultimate authority, the Local Government. I do not see why this very moderate measure should be opposed by Government when Prohibition programme is being pushed through in all other provinces. The Punjab has got it already and this Bill has been drafted practically on the lines of the Punjab Act. So, I am sorry I cannot agree with the Hon'ble Minister.

Mr. PRESIDENT: The question before the House is that the Bengal Local Option Bill, 1938, be taken into consideration.

The House divided:—

AYES—16.

Ahmed, Mr. Nur.
Bose, Rai Bahadur Manmatha Nath.
Chakraverti, Mr. Shrish Chandra.
Choudhury, Mr. Moazzemali.
Datta, Mr. Bankim Chandra.
Goswami, Mr. Kanai Lal.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerjee, Dr. Radha Kumud.
Pal Choudhury, Mr. Ranajit.
Rahman, Khan Bahadur Ataur.
Sarker, Rai Sahib Indu Bhusan.
Sinha, Rai Bahadur Surendra Narayan.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES—23.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Meebahuddin.
Baksh, Mr. Kader.
Barua, Dr. Arabinda.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Mr. Humayun Reza.
Chowdhury, Khan Bhadur Rezzaqui Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Hossain, Mr. Latafat.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Khan, Khan Bahadur Muhammad Asaf.
Laidlaw, Mr. W. B. S.
Mackay, Mr. H. C. C.
Ormond, Mr. E. C.
Rahman, Mr. Muhkleour.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Roy Chowdhury, Mr. Krishna Chandra, O.B.E.
Scott-Kerr, Mr. W. F.
Singh Roy, Mr. Salleswar.

(The motion was negatived.)

The Bengal Estates Partition (Amendment) Bill, 1938.

Rai BROJENDRA MOHAN MAITRA Bahadur: Sir, I beg to move that the Bengal Estates Partition (Amendment) Bill, 1938, be referred to a Select Committee consisting of:—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,

(2) Mr. Kanai Lal Goswami,

(3) Dr. Radha Kumud Mookerji,

(4) Rai Manmatha Nath Bose Bahadur,

(5) Rai Keshab Chandra Banerjee Bahadur,

(6) Khan Bahadur Ataur Rahman,

(7) Khan Sahib Abdul Hamid Chowdhury,

(8) Mr. Humayun Kabir, and

(9) the mover,

with instructions to submit their report by the 31st May, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Sir, the Bill which has been presented to this House seeks to remove certain difficulties. The difficulties are that in the provisions of the Estates Partition Act (Act V of 1897), there is no provision for the partition of the lands of revenue-free estates. The proprietors of rent-free estates suffer much in realizing rents and cesses from the common tenants as well as in the payment of cesses. The second difficulty is that the rent-roll of the estate is required to be filed with the application in those districts where the record-of-rights has been prepared, and the Bill seeks to remove these difficulties. But generally it is not done where the petition for partition is filed. Another difficulty is that in

cases where the record-of-rights has been prepared, in the case of partition the names of the proprietors of the adjoining estates are given and also notices are filed on them. So, the Bill is seeking to remove the difficulties, that where the record-of-rights has been settled, notices on the proprietors of adjoining estates should not be served. Also in the partition cases, extracts are not taken as evidence. Certified copies are given. So, the Bill seeks that before the word "extract", the word "certified" should be added. There is no provision in the old Act under which the Collector can rectify any mistake or irregularity which may arise in a partition proceeding.

These are the difficulties I have experienced, and this Bill seeks to remove these things.

Mr. PRESIDENT: Motion moved: that the Bengal Estates Partition (Amendment) Bill, 1938, be referred to a Select Committee consisting of:—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,
(2) Mr. Kanai Lal Goswami,
(3) Dr. Radha Kumud Mookerji,
(4) Rai Manmatha Nath Bose Bahadur,
(5) Rai Keshab Chandra Banerjee Bahadur,
(6) Khan Bahadur Ataur Rahman,
(7) Khan Sahib Abdul Hamid Chowdhury,
(8) Mr. Humayun Kabir, and
(9) the mover,

with instructions to submit their report by the 31st May, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

Sir, my reasons for moving this motion are these. First of all, my hon'ble friend fails to realize that the whole scheme of the Estates Partition Act is to give an opportunity to Government to ensure the regular realisation of revenue by affording facilities to the proprietors to pay revenue according to their share in the estate by partition, and the scheme of the Act does not contemplate partition of a revenue-free estate. So, merely by changing one or two words in one or two sections, that defect or that laguna in the Act cannot be removed. In

fact, it is not a lacuna at all. The whole scheme of the Act was for giving facilities for partition of revenue-paying estates and not for revenue-free estates. So, if my honourable friend wants to legislate for partition of revenue-free estates, a separate Bill will have to be introduced or a comprehensive Bill will have to be introduced for the amendment of the Estates Partition Act. This is my first objection.

Secondly, Sir, the honourable member fails to realise also that the boundaries of villages and boundaries of estates are not always co-terminus. The estates and villages are entirely different. There may be several villages in an estate and there may be an estate comprising of only one village. Here, he says in paragraph 3 of the Statement of Objects and Reasons that "in cases where the record-of-rights has been prepared and finally published, the issue of notices upon the proprietors of adjoining estates is not required, as the boundary of each village has been settled by the Settlement Authorities" That is so. The boundary of each village has been settled, but the boundary of each estate has not been settled.

Now, Sir, according to his proposal the owners of adjoining estates should be deprived of the right of challenging the validity of the record-of-rights which they are in a position to do under section 49 of the Estates Partition Act. If we accept the amendment suggested by Rai Bahadur Brojendra Mohan Maitra, it would result in depriving the owners of the adjoining estates of the very valuable right which they have of appearing before the Court and of challenging the validity and of trying to rebut the presumption raised by the record-of-rights. So, that will give rise to great difficulties and to all sorts of anomalous position. I do not think it is really the intention of my friend to deprive the owners of the adjoining estates of this very valuable right. But, as he makes a confusion between the boundaries of villages and boundaries of estates, he has made the suggestion without realising the implication of the change.

Then there is another question. The record-of-rights has been published practically in every district now. For each district we have a record-of-rights after the survey and settlement operation but some of these records-of-rights are very old. Take for instance, the districts of Mymensingh and Backerganj. The records-of-rights of these districts were published early in 1905, and they have now become out of date after a lapse of 25 years and the High Court is of the same opinion. The Government are now seriously considering a scheme for the revision of the record-of-rights on this ground. So, these are the difficulties which would arise if Government agreed to accept the Bill or rather send the Bill to a Select Committee. Sir, reference of this Bill to a Select Committee would mean that Government have accepted the principles of the Bill. As I have tried to explain to the House, the Estates Partition Act applies to revenue-paying estates so that the

co-sharers in the revenue-paying property may have facilities to pay up their share of revenue and Government also may have the opportunity of realising the revenues payable by the different co-sharers. That question, however, does not arise in the case of revenue-free estates; so the whole scheme of the Act is entirely different and my friend has misconceived it altogether. If he wants to have a statute for giving facilities for the partition of revenue-free estates, his duty would be to introduce a Bill either for amending the Estates Partition Act in a comprehensive manner or to prepare a Bill only for the purpose of the partition of revenue-free estates. But his present Bill is, if I may say so, absolutely worthless for his purpose. With these few words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that the Bengal Estates Partition (Amendment) Bill, 1938, be circulated for the purpose of eliciting opinion thereon by 30th April, 1940.

Mr. RANAJIT PAL CHOUDHURY: With your permission, Sir, may I move a short notice amendment by way of reducing the time during which the Bill will remain in circulation? In that case, I would move that the words "30th November, 1939" be substituted for the words "30th April, 1940". My object is very simple, Sir. I have shortened the time so that the Bill may come back to us for consideration during the next session of the Council.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government will have no objection to accept this amendment if the House agrees to it.

Mr. PRESIDENT: Yes, that will be the best course.

Rai Bahadur, you have a right of reply.

Rai BROJENDRA MOHAN MAITRA Bahadur: I do not want to exercise that right, Sir.

Mr. PRESIDENT: The question before the House is that the Bengal Estates Partition (Amendment) Bill, 1938, be referred to a Select Committee consisting of:—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,

(2) Mr. Kanai Lal Goswami,

(3) Dr. Radha Kumud Mookerji,

(4) Rai Manmatha Nath Bose Bahadur,

(5) Rai Keshab Chandra Banerjee Bahadur,

(6) Khan Bahadur Ataur Rahman,
(7) Khan Sahib Abdul Hamid Chowdhury,
(8) Mr. Humayun Kabir, and
(9) the mover,

with instructions to submit their report by the 31st May, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Since which an amendment has been moved that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940. An amendment has been further moved to this amendment to the effect that the words "30th November, 1939" be substituted for the words "30th April, 1940."

I shall put the amendment to the amendment first. The quesion before the House is that the words "30th of April, 1940" be substituted by the words "30th November, 1939".

(The question was agreed to.)

Now, the question before the House is that the Bengal Estates Partition (Amendment) Bill, 1938, be circulated for the purpose of eliciting opinion thereon by 30th November, 1939.

(The question was agreed to.)

The Bengal Land Alienation Bill, 1938.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that the Bengal Land Alienation Bill, 1938, be referred to a Select Committee consisting of—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,
(2) Mr. D. H. Wilmer,
(3) Mr. Kamini Kumar Dutta,
(4) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur,
(5) Mr. Humayun Kabir,
(6) Rai Radhica Bhusan Roy Bahadur.
(7) Khan Bahadur Ataur Rahman,
(8) Mr. Nur Ahmed,
(9) Khan Bahadur Rezzaqul Haider Chowdhury,
(10) Khan Bahadur Syed Mohammad Ghaziul Huq, and
(11) the mover,

with instructions to submit their report by the 30th June, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

It will be noticed, Sir, that the name of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, has been substituted in the place of the late Maharaja of Santosh. I have done that with the permission of the Chair.

Sir, I shall now explain the provisions of this Bill. That this Bill has become a necessity, nobody can deny. Even the Royal Commission on Agriculture has laid down that a Bill like this, viz., Land Alienation Bill or something on the lines of the Punjab Act is necessary in other Provinces also in order to protect lands from passing out to the non-agriculturists. Sir, in Bengal the total agricultural population is about 35 millions and the total area under cultivation is 25 million acres. So, it will be seen that agriculture is already overcrowded and it will not be for the good of the country to further crowd agriculture by bringing in non-agriculturists. If non-agriculturists are allowed to purchase agricultural lands, the result will be that the actual agriculturists will be reduced to the position of mere labourers who would have to work as *bargadars*. At present the agriculturist's average area of cultivation per head is only ·71 acres while that per family is 3·6 acres. So it is desirable that non-agriculturists should not come in and further reduce the area per head of agriculturists. Sir, I have made only two provisions in my Bill. One provision is that no land should pass into the hands of non-agriculturists and the other provision is that no land should pass into the hands even of an agriculturist, if he has more than one hundred *bighas* of land already, or if the area taken by him afresh together with the area he has already got makes a total of more than one hundred *bighas*. The object of the provision is simply that there should not be accumulation of land in the hands of one particular agriculturist. Not only should not land pass into the hands of non-agriculturists but even an agriculturist should not have too much land so that those who are real agriculturists may not be left without any land. My proposal is a very simple one, whereas the Punjab Act is rather complicated. Here, as I have said, I have made only two provisions that, at the time of transfer of an agricultural land, the person purchasing the land, namely, the transferee, shall have to make an endorsement to the effect that he is an agriculturist and that he has not already got more than one hundred *bighas* of land in his possession. If this endorsement is found to be false, then the whole transaction will stand cancelled and this I think is very much simpler than making an enquiry in order to find out whether a person is an agriculturist or not. It will serve the purpose that I have in mind in 90 out of 100 cases. I do not think, Sir, people will play false because they will be afraid of losing the land altogether if their endorsement is found to be false. The passage of lands into the hands of non-agriculturists will mean that agriculturists will be reduced to the position of mere labourers, as I have already said.

This Bill has become still more necessary now as agricultural credit in the country has dried up and land is fast passing into the hands of non-agriculturists. Therefore, until something is done very promptly to prevent this state of affairs, I think the position of the agriculturists in Bengal will be very precarious. So, I have provided that land may not pass into the hands of non-agriculturists and also that there may not be a large accumulation of land in the hands of particular agriculturists. And I hope, Sir, that none of these provisions are provisions which the Hon'ble Minister will feel disinclined to accept, because the Land Alienation Act is necessary and was recommended by no less a body than the Royal Commission on Agriculture. I do not suppose that the Ministry will go behind the recommendations of a Royal Commission. Accumulation of land in the hands of a particular person is also dangerous as it may leave others without any land at all and real agriculturists may have to suffer. So I think, Sir, the principles underlying this Bill cannot be challenged by the Ministry if they really mean good to the agriculturists. With these words, Sir, I move that my Bill be referred to a Select Committee.

Mr. PRESIDENT: Motion moved that the Bengal Land Alienation Bill, 1938, be referred to a Select Committee consisting of—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,

(2) Mr. D. H. Wilmer,

(3) Mr. Kamini Kumar Dutta,

(4) Maharaja Sir Manmatha Nath Ray Chowdhury,

(5) Mr. Humayun Kabir,

(6) Rai Radhica Bhusan Roy Bahadur,

(7) Khan Bahadur Ataur Rahman,

(8) Mr. Nur Ahmed,

(9) Khan Bahadur Rezzaqul Haider Chowdhury,

(10) Khan Bahadur Syed Mohammad Ghaziul Huq, and

(11) the mover,

with instructions to submit their report by the 30th June, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. KADER BAKSH: Sir, in the original personnel of the Select Committee the name of the late Maharaja of Santosh occurs but he has died sometime ago, so does not the motion become out of date thereby?

Mr. PRESIDENT: The honourable member had my permission to substitute the name of the Raja Bahadur of Nashipur in place of the late Maharaja of Santosh. So, there is no bar and the motion is quite in order. The name of the Raja Bahadur of Nashipur has been duly substituted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Land Alienation Bill, 1938, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

Sir, first of all I may inform the House that even before Government received notice of this Bill, they decided to examine whether it is possible for them to introdue legislation to prevent alienation of lands from the hands of agriculturists to the non-agriculturists. But this is a very difficult proposition. It is not easy to devise a Bill which will prove effective and at the same time which will not revolutionize the economic condition of rural Bengal. Sir, this question was considered as early as 1922 by the Committee of Sir John Kerr on the Bengal Tenancy Act. Then it was considered by the Committee of Sir Nalini Ranjan Chatterjee in 1928. But both these Committees consisting of eminent experts, revenue authorities, men like Sir John Kerr, Sir Frederick Sachse and I think Mr. McAlpin, Khan Bahadur Abdul Momin and Sir Nalini Ranjan Chatterjee could not make any concrete suggestion. The unanimous recommendations of both these committees were that it was a very difficult problem and Government should not attempt any legislation on those lines. But that did not despair the present Government, because we honestly feel that the Government should make an attempt to prevent alienation of land from the hands of agriculturists to those of non-agriculturists if they want to save agriculturist population of Bengal from ruin. With that object in view, we have deputed some of our best experts to examine this question in detail, to study the subject in all its implications, economic and social, and the matter is being considered at the prosent moment. But I hope the House will admit that it is neither possible nor desirable for Government to introduce a Bill of this character in a hurry. It will have its repercussions on the landlords, it will have its repercussions on the middle class *bhadraloqs* of this country, it will have its repercussions on the agriculturists; it will have its repercussions on the value of agricultural holdings. Now, by the abolition of landlord's transfer fee, Government wanted to increase the value of agricultural holdings. If a bill of this nature is hurriedly placed on the statute book without providing against the reduction in value of agricultural holdings, the benefit that was conferred on the agriculturists in 1938 by the amending Tenancy Act would be taken away. We have given free right of transfer to the agriculturists under the Act of 1938. Now, what is the proposal

here? The proposal here is to restrict that right of transfer. So, I would ask the honourable members to analyse the underlying principle of the Bill. If the Bill is accepted as it is, it will affect the very principle which this House accepted only about 8 months ago. So, I do not think the House will accept——

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We were given definite understanding during the course of the discussion on the Bengal Tenancy Act, that a Bill like this will be introduced by Government.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No understanding was given to the House in the course of the consideration of the last Bengal Tenancy Amendment Bill that a Bill would be introduced. But since Government came to know of the result of free transfer, it led them thinking whether it was necessary or not to introduce a Bill to put some amount of restriction on the right of free transfer. It is rather a consequence of the right of free transfer that was conferred on the agriculturists by the Act of 1938. So, if my honourable friend the Khan Bahadur's version were correct, and if my version was incorrect, it would have been putting the cart before the horse. Sir, I would request the House to pause and to consider the implications of this Bill, to analyse its provisions and to ascertain what effect it is likely to have on the rural economics, what effect it is going to have on the agriculturists themselves.

Then, there is that important question of defining the agriculturists. Who is an agriculturist? I think it baffles the best of brains to produce a very effective definition for that. In fact, we have failed to do so up till now in connection with the Bengal Agricultural Debtors Act. As we know, people who have no connection with agriculture whatsoever, people who are big merchants, big money-lenders, big landlords, have taken advantage of the Agricultural Debtors Act and have tried to defraud the creditors. I hope we shall not create a similar situation by rushing a Bill to check alienation of land. Government must be given time to consider the question, to weigh the balance of convenience very carefully and then prepare a Bill if possible. As I submitted, great revenue experts have said that it was impossible to legislate on those lines. My friend is probably relying on the Punjab Land Alienation Act. He is unfortunately familiar, if I may venture to say so, with the title of the Act, but not with its working. I am sure, if he cared to study its working, he would be the first man to say "let us not have a Bill of that nature". Because there, every transfer has to be registered. The Deputy Commissioner of a Punjab District is the sole authority to decide who is an agriculturist and who is not. There cannot be any transfer without his permission. The right of free transfer has been taken away. I am sure that is a situation which

will not be tolerated by the Bengal peasantry or the Bengali *bhadralog* class. Then arises the question——

Mr. PRESIDENT: Order, order. Will the Hon'ble Minister confine himself to the motion at this stage? If that motion is not carried, I shall permit him again to speak on the main motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government are trying to draw up a Bill. As I ventured to submit just now, the recommendations of the two previous committees did not despair Government and we hope to produce something, some workable Bill in the near future. In these circumstances, it is only fair and reasonable, Sir, that this Bill should be circulated for eliciting public opinion thereon. I think the public have got a right to give their views on a Bill of such far-reaching character.

Mr. PRESIDENT: Amendment moved: that the Bengal Land Alienation Bill, 1938, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

Mr. HUMAYUN KABIR: Sir, I beg to oppose the amendment which has been moved by the Hon'ble Minister and that for the following reasons. First of all, the speech he has made in support of his amendment is a bundle of contradictions. He starts by saying that it is an impossibility and that revenue experts have spoken against the possibility of any Bill by which transfer of land can be restricted. He has also told us——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I rise on a personal explanation? I never said that the revenue experts of the present Government have stated that it is not possible to devise some measure. It is the revenue experts of the previous Government who said so.

Mr. HUMAYUN KABIR: Sir, I do not think the explanation was necessary, because he used the term "revenue experts" and I repeated it without any reference to this Government or that. According to him, the revenue experts have described the Bill as impossible and yet the present Government is proposing to introduce a bill of that type. Again, as has been suggested by the Khan Bahadur, an act of this type actually operates. Therefore, Sir, the point that it is impossible does not hold, and the Hon'ble Minister in his personal explanation has already admitted that to some extent.

Then, there is the question of our hurrying through legislation of this kind. I do not understand the logic of the Government. The Bill was introduced in 1938. There was no session in November.

Therefore, Sir, the latest occasion on which it could have been introduced was July of 1938. Almost a year has passed and if the Government have slept over it for a year, what guarantee is there that they will not sleep for another year, two years, three years or five years over it if they get the chance. Therefore, Sir, the argument that it is a hurried measure does not hold water for a second. This has already been before the public for over a year.

Thirdly, Sir, the Hon'ble Minister said that we should not commit ourselves to a Bill like this and pass complicated legislation of this type hurriedly. There is no such proposal before the House. All that the Khan Bahadur wants is that it should be referred to a Select Committee, that only the general principle should be accepted now. You have, Sir, laid it down that in a Select Committee all the clauses of a Bill can be changed. So long as the Preamble and the general purposes and the Title remain, it is immaterial what changes the Select Committee actually make in the body of the Bill. That has actually been demonstrated in the course of a Bill which this House passed last session and which came back with certain amendments from the Bengal Legislative Assembly. Therefore, Sir, the other point raised by Government, that we are passing any legislation hurriedly, is again invalid. We can change the Bill in order to meet the actual necessities of the situation in the Select Committee. All that the Khan Bahadur wants to do is to refer the Bill to a Select Committee.

Then, Sir, we have been given to understand by Government that they have been thinking over it, if not before the Bill was introduced by the Khan Bahadur, at least ever since. These cogitations should have some visible shape, but as yet there is no evidence of the result. We may, however, agree that a certain amount of material has accumulated with the Government; let that material be made available to the Select Committee when it meets. I do not therefore think, Sir, that the Hon'ble Minister has made any case whatsoever in favour of his motion for circulation.

As regards the other question, namely, the question of referring it to a Select Committee, the principles involved are so urgent, the crisis which we have to face in Bengal to-day is so insistent that it would be, I think, dangerous to postpone consideration of this measure unduly.

With these words, Sir, I beg to oppose the amendment and support the substantive motion.

Mr. PRESIDENT: The question before the House is that the Bengal Land Alienation Bill, 1938, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

(The motion was agreed to.)

The Bengal Patni Taluks Regulation (Amendment) Bill, 1938.

Mr. PRESIDENT: I shall only allow you, Khan Bahadur, to move the Bill so that your position in the ballot may not be lost.

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Mr. President, Sir, I beg to move that the Bill be referred to a Select Committee consisting of—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,
(2) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur,
(3) Mr. Saileswar Singh Roy,
(4) Maulana Muhammad Akram Khan,
(5) Mr. Mesbahuddin Ahmed,
(6) Mr. Nur Ahmed,
(7) Mr. Khorshed Alam Chowdhury,
(8) Khan Sahib Abdul Hamid Chowdhury,
(9) Mr. Hamidul Huq Chowdhury,
(10) Mr. Kader Baksh,
(11) Khan Bahadur Syed Mohammed Ghaziul Huq,
(12) Mr. Mukhlesur Rahman,
(13) Khan Bahadur Muhammad Asaf Khan,
(14) Mr. E. C. Ormond,
(15) Mr. Kamini Kumar Dutta, and
(16) the mover,

with instructions to submit their report by the 15th June, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. PRESIDENT: Sir Bijoy, is this motion likely to go uncontested?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. What I would suggest, Sir, is that it is impossible to report within the next two months. If it would meet with the approval of the House, I would suggest 31st October, 1939, as the date for submission of report by the Select Committee.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, may I have your permission to move a short-notice amendment to this? I only want to add two names to the Select Committee.

Mr. PRESIDENT: Provided there is an agreement in the House I shall allow it; otherwise I shall postpone it.

Khan Sahib ABDUL HAMID CHOWDHURY: The names are Khan Bahadur Naziruddin Ahmed and Mr. Humayun Kabir.

Mr. PRESIDENT: Order, order. The House stands adjourned till 8 a.m. to-morrow.

Adjournment.

The Council then adjourned till 8 a.m. on Friday, the 19th May, 1939.

Members absent.

The following members were absent from the meeting held on the 18th May, 1939:—

(1) Mr. Narendra Chandra Datta.
(2) Mr. Kamini Kumar Dutta.
(3) Alhadj Khwaja Muhammad Esmail.
(4) Nawabzada Kamruddin Haider.
(5) Mr. Mohammad Hossain.
(6) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(7) Khan Bahadur M. Abdul Karim.
(8) Maulana Muhammad Akram Khan.
(9) Begum Hamida Momin.
(10) Rai Bahadur Satis Chandra Mukherji.
(11) Mr. H. P. Poddar.
(12) Rai Bahadur Radhica Bhusan Roy.
(13) Mr. Sachindra Narayan Sanyal.
(14) Rai Sahib Jatin Mohan Sen.
(15) Khan Bahadur M. Shamsuzzoha.
(16) Mr. D. H. Wilmer.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 19th May, 1939, at 8 a.m. being the eleventh day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Crops of the Bhati area of Mymensingh.

55. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Agriculture Department kindly state if the question of protecting the crops of the *bhati* area of Mymensingh from water-hyacinth by erection of bamboo barriers and by guarding of jungles has been considered and any decision arrived at?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Mr. Tamizuddin Khan): The matter is receiving attention. The problem in the *Bhati* area is immensely difficult as it involves not only the protection of the crops from water-hyacinth but also protection of crops and even homesteads from being washed away by waves. Extensive deforestation has been largely responsible for this and any scheme with a reasonable chance of success must include a provision for large-scale afforestation.

The water-hyacinth problem is only a small part of the general problem and very little good would result from tackling it separately.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that even by erecting *bunds* a good deal of crops can be protected—by bamboo barriers?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, to some extent.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Does the Hon'ble Minister contemplate initiating measures for amending the Water-hyacinth Act in such a way that the *bunds* can be erected by villagers on co-operative system?

The Hon'ble Mr. NALINI RANJAN SARKER: That suggestion will be examined.

NON-OFFICIAL BILL.

The Bengal Patni Taluks (Amendment) Bill, 1938.

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Mr. President, Sir, may I request you to take up my motion? It could not be finished for want of time yesterday. It will take only a short time.

Mr. PRESIDENT: If there is no objection from any hon'ble member, then I shall take it up. Khan Sahib Abdul Hamid Chowdhury was also moving his amendment yesterday. He may finish his speech.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg leave to move that after the name of Mr. Kamini Kumar Dutta, the names of Khan Bahadur Naziruddin Ahmad, Mr. Humayun Reza Chowdhury and Khan Bahadur Maulvi Mohammad Ibrahim be added and in place of the 15th June, 1939, the words 31st October, 1939, be substituted.

Mr. PRESIDENT: Sir Bijoy has already moved an amendment substituting 31st October in place of 15th June, 1939.

Motion moved that the Bengal Patni Taluks Regulation (Amendment) Bill, 1938, be referred to a Select Committee consisting of—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,
(2) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur,
(3) Mr. Saileswar Singh Roy,
(4) Maulana Muhammad Akram Khan,
(5) Mr. Mesbahuddin Ahmed,
(6) Mr. Nur Ahmed,
(7) Mr. Khorshed Alam Chowdhury,
(8) Khan Sahib Abdul Hamid Chowdhury,
(9) Mr. Hamidul Huq Chowdhury,
(10) Mr. Kader Baksh,
(11) Khan Bahadur Syed Muhammad Ghaziul Huq,
(12) Mr. Mukhlesur Rahman,
(13) Khan Bahadur Muhammad Asaf Khan,
(14) Mr. E. C. Ormond.
(15) Mr. Kamini Kumar Dutta, and
(16) the mover,

with instructions to submit their report by the 15th June, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Since which two amendments have been moved, one by the Hon'ble Sir Bijoy Prasad Singh Roy that for the words "15th June, 1939," the words "31st October, 1939," be substituted, and the other amendment by Khan Sahib Abdul Hamid Chowdhury that the names of the following three persons be added, namely:—

(1) Khan Bahadur Naziruddin Ahmad.

(2) Mr. Humayun Reza Chowdhury.

(3) Khan Bahadur Maulvi Mohammed Ibrahim.

The question before the House is that the first amendment, namely, the names of Khan Bahadur Naziruddin Ahmad, Mr. Humayun Reza Chowdhury and Khan Bahadur Maulvi Mohammed Ibrahim be added.

(The question was agreed to.)

Mr. PRESIDENT: The question before the House is the second amendment of Sir Bijoy Prasad that for the words "15th June, 1939", the words "31st October, 1939", be substituted.

(The question was agreed to.)

Mr. PRESIDENT: Now, the motion before the House is that the Bengal Patni Taluks Regulation (Amendment) Bill, 1938, be referred to a Select Committee consisting of—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy, Minister-in-charge of the Revenue Department,

(2) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur,

(3) Mr. Saileswar Singh Roy,

(4) Maulana Muhammad Akram Khan,

(5) Mr. Mesbahuddin Ahmed,

(6) Mr. Nur Ahmed,

(7) Mr. Khorshed Alam Chowdhury,

(8) Khan Sahib Abdul Hamid Chowdhury,

(9) Mr. Hamidul Huq Chowdhury,

(10) Mr. Kader Baksh,

(11) Khan Bahadur Syed Mohammad Ghaziul Huq,

(12) Mr. Mukhlesur Rahman,

(13) Khan Bahadur Muhammad Asaf Khan,

(14) Mr. E. C. Ormond,

(15) Mr. Kamini Kumar Dutta.

(16) Khan Bahadur Naziruddin Ahmad,

(17) Mr. Humayun Reza Chowdhury,

(18) Khan Bahadur Maulvi Mohammad Ibrahim, and

(19) the mover,

with instructions to submit their report by the 31st October, 1939, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

(The motion was agreed to.)

Mr. NUR AHMED: Mr. President, may I request you to allow us to move motions for the introduction of some Bills of which notice had been given already. It will take only ten minutes.

Mr. PRESIDENT: It is a non-official day. Under the rules, His Excellency the Governor has allotted a particular kind of business for this day and that business shall have precedence. If there is no objection from any section of the House, then this may be allowed. Is there any objection?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I have to object, because it would create a very bad precedent.

Motions under section 118 of the Rules and Standing Orders.

Mr. PRESIDENT: The House will now consider the motions given notice of under section 118 of the Bengal Legislative Council Rules and Standing Orders.

Mr. NUR AHMED: Mr. President, Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to allot two days in the next session of the Bengal Legislative Council for the discussion of "A review of the Economy Measures of the Government of Bengal", published in March, 1939, and for the discussion of "Report of the Reforms Office, Bengal, 1932-37".

As regards the first subject, namely "Review of the Economy Measures of the Government of Bengal", I think, Sir, it is a most important subject, and in this very House motions have been moved more than once for further reduction in the cost of administration all round and economy in the administration. This review contains measures already taken by the Government for effecting retrenchment.

The statement also contains a proposal for further economy in the near future. So, it is right and proper that this House should have an opportunity to study those measures and those proposals contained in the review.

The second matter is the report of the Reforms Office. This, Sir, is a very valuable document. It contains the rules regarding conduct of elections, qualifications for franchise, delimitation of constituencies and many other matters. It also contains proposals for future modification of these rules and delimitation of constituencies and all other things which are of vital importance to this House and to the people of Bengal.

So, my humble request to His Excellency is that sufficient opportunity should be given to the House to discuss the reports and to express an opinion on the proposals embodied in these reports. I think, Sir, this is a very simple request and requires no long speech. I hope Government will not oppose my motion. With these few words, I appeal to the House to accept my motion.

Mr. PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to allot two days in the next session of the Bengal Legislative Council for the discussion of "A Review of the Economy Measures of the Government of Bengal", published in March, 1939, and for the discussion of "The Report of the Reforms Office, Bengal, 1932-37".

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I want to mention a small point first, namely, that the Address should be presented not to His Excellency the Governor, but to the Government of Bengal. So far as the request contained in the motion before the House is concerned, if the new rules which are likely to come up for approval are passed, there will be no difficulty for allotment of days for such non-official business, because under the new rules one day each week will be set apart for non-official business. But if these rules are not passed, Government will certainly consider if two days can be allotted out of non-official days for this purpose.

Mr. PRESIDENT: The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to allot two days in the next session of the Bengal Legislative Council for the discussion of "A Review of the Economy Measures of the Government of Bengal", published in March, 1939, and for the discussion of "Report of the Reforms Office, Bengal, 1932-37".

(The motion was agreed to.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to recommend to the proper authorities concerned that very early steps should be taken to stem the tide of rising communalism in Bengal and to this end to substitute separate communal electorates by joint electorates with reservation of seats for the minorities.

Sir, my motion may be divided in two parts, the first part of which deals with the rising tide of communalism and the second part with its remedy. I will deal with the first part first.

Sir, in bidding farewell to Bengal, Sir John Anderson in his broadcast speech expressed the hope that the feelings of communal bitterness so prominent, of late, might with the passage of time be allayed. Living now ten thousand miles away, if he has cared to follow the politics of Bengal he must admit that unless the British Government undo a manifest wrong done to Bengal, the hope he seemed so sincerely to express was bound to be blasted. During the last general election, the Congress, the Proja Party and the Moslem League carried on a vigorous propaganda throughout the length and breadth of this province. The masses were stirred as never before. Of the three parties, the Moslem League is frankly a communal organisation. It owes its rise to the apple of discord thrown into our midst by the British Government—the Communal Award and the communal electorate, which have made religion the starting point of politics. Sir, the cry of Islam in danger was heard insistently during the last general election. No appeal tells so much as an appeal in the name of religion where the masses are illiterate and steeped in ignorance. This cry raised communal fanaticism to fever heat and now threatens to swallow everything before it. The tide of communalism could have been stayed if Mr. Fazlul Huq would have been reasonable. Mr. Fazlul Huq was the leader of the Proja Party. With Congress sympathy,—I will not use the word "assistance",—with Congress sympathy at his back, he became the victor at Patuakhali and although Mr. Fazlul Huq was sometimes a congressman, and an ex-President of the Bengal Provincial Conference and an ardent nationalist, he succumbed to the cry of Islam in danger and instead of extending his hand of fellowship to the Congress to found a National Government, he joined with his defeated opponent and founded instead the present League Government. Since that day most of his public utterances and activities helped the continued and continual rise of communalism in Bengal as nothing else did. I will briefly touch upon some of his activities. On the eve of the July-August session in 1937, the Hon'ble Mr. Fazlul Huq issued letters to his brothers-in-faith, to quote his own words, to "rally round his banner to save the Moslem Government in Bengal." Mark the word "Moslem". That was the

alpha of his writing, and, Sir, what was the *omega*? Well, on the 8th April last, he exhorted his brothers-in-faith to awake, to arise and establish a Moslem Kingdom in Bengal and be for ever blessed. In the intermediate stages, whether speaking at Lucknow or at Berhampore, his speeches in the Moslem conferences breathed fire and brimstone. Muhammadan students have become truculent; whether at Rajshahi, Dacca or in Comilla, they created a scene. And now no students' conferences can be held without molestation by the communalist Muslims. Prof. Humayun Kabir will be able to give some instances—the latest instance is of course of the Bhanga Students' Conference, details of which appeared in yesterday's papers and the President of which was our distinguished citizen Dr. Dhirendra Nath Sen. Not merely where students assemble to discuss their own affairs, but now hardly any political meetings in mufassil Bengal can pass off peacefully without disturbance by the communalist Muslims. In some cases, the disturbance even took the form of throwing of stones and breakings of heads. In many instances, the venues of meetings had to be changed. In spite of the assurances given by the Home Minister in reply to two of my questions——

Khan Bahadur ATAUR RAHAMAN: As Mr. Das is speaking from a great distance and through the microphone, we are unable to distinctly understand what he is saying. He can be better understood if he spoke from his own seat and without the help of the loud speaker.

Mr. LALIT CHANDRA DAS: Sir, my difficulty is that owing to an attack of fever, I am feeling very weak and shall not be able to speak up.

Mr. PRESIDENT: Well, if you go back to your own seat or in the first bench, that will perhaps render your speech audible to the hon'ble members.

Mr. LALIT CHANDRA DAS: All right, Sir.

(Mr. Das then came back to his own seat.)

In spite of the assurances given by the Home Minister in reply to two of my questions that the Government would give protection to legitimate activities of all political parties, in practical result we find that such assurances were not worth the paper on which they were printed. In the mass field, there have been several acts of religious intolerances and atrocities perpetrated on the non-Moslems by Muhammadan communalists in the districts of Noakhali, Pabna, particularly on the Serajgunge side, Bogra, Barisal, particularly on the Bhola side, Burdwan and several other places. Cows' heads were thrown on seats

of prayer, images removed or broken, immersions stopped and properties looted. Thanks to communalism in the matter of the public services, the communalist representatives in the Assembly were vying with one another in out-bidding one another to fix the ratio from 60 to 70 per cent. None can say whether the Hon'ble Mr. Fazlul Huq was pleased or terrified at the spectre. Sir, the ratio which the Hon'ble the Chief Minister is arguing for is at least a reflex of his private letter to a certain Moslem gentleman at Faridpur wherein he maligned the whole body of Hindu officers whose loyalty to Government is proverbial.

In the public services, efficiency should be the sole test, if not in all departments, particularly in Education, Medical, Engineering and other departments, where technical knowledge or skill of the highest order is necessary. Communalism once roused can hardly be appeased and so we find a majority community is now seeking protection through communal ratio in the matter of the public services. This ratio, however, is no longer a question when a department such as the Education Department of Bengal in the Secretariat is staffed wholly by Moslems and Europeans with no quarter being given to the Hindus. An impression is abroad that persistent attempts are being made to separate the education of Moslems and to communalise the education, particularly in primary and secondary stages, crippling the powers of the Calcutta University, wherever possible. That same spirit of separation and absorption of power are responsible for the introduction and passing of the Black Bill now known as the Calcutta Municipal (Amendment) Bill of 1939. Communal passions are running so high that they have invaded even the fields of sports. Communally organised clubs in sports are being sponsored and blessed by high officers in every district of Bengal and when it comes to a match between a Muhammadan Club and another, there is no longer that spirit of sportsmanship in the spectators. The cries of *Alla-Ho-Akbar* rend the skies.

Sir, seeing the black clouds hovering over the skies of Bengal, the Nawab Bahadur of Murshidabad left his place of seclusion and appealed to the Muhammadans to unite with the Hindus for the good of the country. But how can any appeal fructify when the roots of the disease are being watered by communalism? It is the communal electorates which are at the root of all the evil. It was designed to keep the two great communities apart and it is now bearing its fruit according to anticipations. Once a Muhammadan knows that he is not to seek the suffrages of the Hindus, his course is clear. He must demonstrate that he is a Moslem to the marrow of his bone, speak and act in a way that he may outshine those of his brothers-in-faith who have the boldness to stand up for nationalism. But the moment a Hindu or a Muhammadan knows that his appeal for Muhammadan affairs in the

Legislatures must be to both, he is bound to shed his communal colour and every thing he must do will naturally conduce to the peace, prosperity and well-being of the province as a whole. The cry of democracy as a democratic form of Government is a false cry so long as communalism holds the field. In communalism, there can be no nationalism in a country such as Bengal which is inhabited by two powerful communities and without nationalism there can be no democracy in Bengal.

Joint electorate must result in ensuring peace and prosperity to all communities and lay the foundation of democracy on a solid basis. So that minorities may have no grievance, it is provided in my motion that there must also be reservation of seats for them. Sir, so far back as 1935, Dr. Rajendra Prasad and the Hon'ble Mr. Jinnah felt the neecssity of joint electorate under certain terms and conditions and the negotiation, though it fell through, is a pointer. Cannot Bengal make its own history? Should it be the other way about? We hope and trust that the success of the Hon'ble Mr. Fazlul Huq is but temporary. God willing, the day is not far distant when she will be reinstated in all her glory where her sons, the Hindus and the Moslems, will live in perfect amity and peace.

With these words, Sir, I move my motion.

Mr. PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to recommend to the proper authorities concerned that very early steps should be taken to stem the tide of rising communalism in Bengal and to this end to substitute separate communal electorates by joint electorates with reservation of seats for the minorities.

Mr. KADER BAKSH: Sir, I do oppose this motion.

Mr. PRESIDENT: There are two amendments in the name of Mr. Nur Ahmed. The first of these is out of order because it attempts to widen the scope of the motion. In an amendment, you can restrict the scope of the main motion but cannot extend it. His second motion is, however, in order and he can move it.

Mr. NUR AHMED: Mr. President, I beg to move that the words beginning with "and to this end" and ending with "the minority" be deleted, i.e., the last clause of the motion be deleted. It is really a great surprise to me that a congressman like Mr. Lalit Chandra Das, an orator and a learned speaker, has come before the House with this sort of a motion. Frankly speaking, I cannot support his motion and the underlying principles thereof. It is said that it is the declared

policy of the Congress not to allow any provincial Governor to interfere in matters of provincial administration. But here is my learned friend Mr. Lalit Chandra Das who comes before the House with a motion, asking the Governor to take proper steps to stem the rising tide of communalism. No Indian who loves his own country can remain unmoved before the rising tide of communalism. We, Hindus and Moslems, both the communities, have lived together in this great continent, rather sub-continent, not for one year, not for hundred years but for centuries and we have lived together peacefully and we have worked together shoulder to shoulder for the development of this great country, own mother-land. But, Sir, what has happened now? We find that we are quarrelling, that we are fighting, that we are rushing against each other's throats over very trifling matters. What is the Evil Spirit, Sir, which is inducing us to disturb that noble and time-honoured spirit of good relationship that existed between these two great communities for so long? No Indian, whether Muhammadan or Hindu or Parsi or Christian, can remain unmoved as before in the face of these communal differences. But there is difference of opinion about this question and I think it is a matter to be settled among ourselves and it will be a great shame on our part if we are to ask the Governor to interfere in this matter and thus to force unity among us. It is a matter of heart and heart and not of legislation or interference by any outside power. If we have lived together in peace so long in the past, why should we not so live together in future. There are great leaders, Congress leaders and Moslem leaders, and I think it is the proper function of these leaders to sit together to solve this eternal problem of communal discord that impedes India's progress to-day.

I think though Muslims form a minority, it is a minority not to be ignored. For India's homogenous growth, India's future development, it is essential that this problem of Hindu-Muslim unity should be satisfactorily solved. It appears from the wording of the motion that my friend thinks that separate electorate is the cause of this growing ill-feeling between the two communities. I do not express any opinion about the good or evil effect of the separate or joint electorate. In this House, I do not propose to enter into the advantages or disadvantages, the good or ill effect of these two distinct systems of joint and separate electorates. As my friend has brought this question by the motion, I must say that it is the unanimous opinion among the Muslims that they want to-day separate electorate. Rightly or wrongly, I do not say, but their opinion is that for their separate existence, for the continuance of their individual and distinct existence, it is necessary. A study of the Indian history will show and there is no gainsaying the fact that if under the circumstances separate electorate is abolished, it is bound to produce discontent, distrust

and suspicion among many Muslims. Mr. President, for the first time in Indian history the recent reform that has been introduced has set up a majority Government which is predominantly Hindu side by side with a minority Government which is predominantly Muslim. This fact is visible; this fact is apparent; it cannot be ignored and I think there cannot be any scheme which can controvert or turn an important minority community into a majority. If we want democracy in India, we cannot escape it and I think without expressing any opinion I can say that there is another fact which has aggravated the matter. Supporters of every Government gave distinct pledges to their electorate and they want now to give effect to those pledges. In translating these pledges into action, they have created distrust and suspicion in the mind of the minority and one fact must be plainly stated and that is that Congress, which claimed to represent both Hindus and Muslims, in trying to give effect to its election pledges has created suspicion in the mind of the minority. Muslims are really apprehensive that their distinct culture, their religion and their very existence are at stake. So there is a cause for distinct ill-feeling and I appeal to every Indian to think over the matter dispassionately and from all points of view to arrive at a right decision.

Mr. Das has said that separate electorate will stand in the path of democracy; but it is not a new opinion. In 1916, at Lucknow all great Hindu leaders like Lokmanya Tilak, Motilal Nehru, Lala Lajpat Rai, Pandit Madan Mohan Malaviya and others embodied it in the Lucknow Pact and since then it has been working without any prejudice. Probably it is those who were returned by separate electorate killed the first Ministry of Mr. Huq, the present Premier. Mr. C. R. Das with the help of some of the members who were returned on separate electorate overthrew the Huq Ministry and even in this present Assembly there are members who are siding with the Congress who had been elected by separate electorate. So, it cannot be said that separate electorate is a uniform evil and that it contains no good.

As I have said, I have no sympathy with the motion. My only purpose in moving the amendment is that there may not be unnecessary heat in discussion over this delicate matter. It may further aggravate the feeling in the country. So, I appeal to the hon'ble mover of the motion not to press this motion altogether.

Mr. PRESIDENT: Amendment moved: that the words beginning with "and to this end" and ending with "the minorities", be deleted.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I make a submission? I am making this submission for your consideration, Sir, whether it is worthwhile discussing this subject as the question of the change of electorate can only be done through a certain procedure which

has been laid down in the Act. Any suggestion or any proposal to have it done by any other method obviously will not have any value. So, under the circumstances is it advisable to discuss this motion at all? I may refer you to section 308 of the Government of India Act.

Mr. PRESIDENT: That will be a very good reason to reject a motion like this. But how can I bar it? There is a particular procedure suggested in the Statute itself to bring in changes about franchise and electorates. The section referred to provides the procedure with respect to proposals for amendment of certain provisions by Orders in Council, but that does not exclude any other method.

Dr. RADHA KUMUD MOOKERJI: Sir, I rise to accord my wholehearted support to the resolution that has been moved by Mr. Das. I am now speaking on the amendment and also on the point of order raised——

Mr. PRESIDENT: The point of order has been decided. You need not labour that point. You can speak on the main motion as well as on the amendment.

Dr. RADHA KUMUD MOOKERJI: Sir, I am very grateful to Mr. Nur Ahmed for the expression of sentiments with which he has moved his amendment, but I am sorry to say that he has not been able to follow up the expression of general sentiments by practical schemes by means of which these sentiments may be given effect to in the body of the Constitution. I do not think that there is anybody here to deny the fundamental fact that communalism in Bengal has been somewhat rampant of late and that it is being fed by constitutional devices. My point is that if the Government and the public are united in banishing communalism from the political life of the country, they will have no other option but to see that in the Constitution itself such communalism should not find any kind of constitutional expression or encouragement.

Now, the question of separate electorate or what may be called separate communal electorate, that itself is an admission that the evil is existing and that the evil has a right to its proper expression in the Constitution. Now, we join issue entirely with some of the hon'ble members on the other side on this very fundamental question. I put to them this basic proposition whether they do not agree that communalism is being fed by these constitutional devices of separate and communal electorates. Now, as regards this question of separate electorates, it will probably be news to some of my colleagues in this Council that this unheard-of institution is unprecedented in the annals of history and politics. It has been only the monopoly of India to invent this institution and no other country of the

world will ever go near it. It is absolutely unparalelled and unprecedented in democractic history and politics. Even India had no such idea of this very ingenious political invention. If we go into the history of this question, we shall find that its history has a very very doubtful origin. It was in about 1907 or 1908 that a deputation was got up which was led by His Highness the Rt. Hon'ble the Aga Khan. He led a deputation in 1908, I believe, to the then Viceroy of India, Lord Minto, where on behalf of the Muhammadan community this claim for separate electorate was first urged. Lord Minto, of course, received the deputation and gave his reply, into the details of which I am going to enter just now. But in the meanwhile this unheard of proposal was being commented upon by the press throughout India. At that time Maulana Mohammed Ali of revered memory who was then presiding over the session of the Indian National Congress and with his authority as the President of the Indian National Congress, he had no hesitation in condemning the deputation to Lord Minto without consulting the opinion of the great Muslim community. He had no other alternative but to condemn this deputation as a Command Performance, thereby publicly hinting that this performance was being instituted at the instigation of some renowned Government official in the Government of India. Now, this was not a mere vague charge brought forward by the President of the Indian National Congress against another great leader of the Muslim Community. This charge was reinforced and reiterated by another official document of the Government of India, what is known as the report of the Auxiliary Committee in connection with the Simon Commission. The Indian section of the Simon Commission was presided over by no less a person than Sir Sankaran Nair, ex-Member of the Government of India, who was so well known for his public activities and independence. He has publicly recorded in that Government document that it has been proved before his section of the Commission that really that deputation of His Highness the Rt. Hon'ble the Aga Khan was a Command Performance, because it was inspired by a Government official. The name of that official also is known. But I am not going into the past history of all these details. What I intend to say in this. I pray my Muslim brethren that if they are really sincere in exorcizing this demon of communalism in this country, if they are sincere, if they really believe that we should put an end to communalism by the proper introduction of the spirit of nationalism, I make an appeal to them that if they believe in this, then they should have no alternative but also to abolish this constitutional expression of communalism, namely, separate and communal electorates.

I must remind them that there has never been a spontaneous demand on the part of the Muslim community for separate electorates. I do not think that they can really lend themselves to such a vicious

institution, which is nowhere to be found in any constitution of the world including Turkey or other Muhammadan States. Therefore, I would once more make an appeal to them to give a lead to the country and say once for all that they believe in nationalism in preference to communalism, that they believe that separate electorate feeds the fire of communalism in the country, and if they really recall the old history which I have placed before them—that in its origin it was a mere artificial movement, inspired by unworthy motives and by the unworthy interference of certain Government officials,—if they really recall all this old history,—let them get out of this old history and make a new history for the future on the basis of an unsullied and pure ideal of democracy. Lord Minto's reply to the deputation was very significant. His Lordship was loth to go as far as the demands of the deputationists for the grant of communal electorate. Lord Minto first began by saying that separate electorate would be given only to minorities whose claims in this regard could be admitted in the Indian Constitution. But he confined this principle of communal electorate strictly to a minority community and did not extend it at all to a majority community. But later on, when this mischief was started, it began to grow in proportion and in size and then this demand began to increase and now we find that whether a community is a majority community or a minority community, all communities are united in demanding separate communal electorates. Now, as regards the plea that separate electorate confers upon a minority the right to protect its own interests that also is very fallacious from the philosophical point of view. On this subject, I would like to recall the great utterance made by Lord Salisbury in the House of Lords when this question was being discussed in Parliament. He distinctly used this expression, "it is no protection to a minority not to be able to vote for those who will form the majority and will form the Government". I, therefore, want to know what purpose is really served by a separate electorate. In a separate electorate, you have separate electors for each separate community and if you make the voters belonging to a minority community unable to influence the voters in the majority community, when the minority comes by separate electorate that community elects its representatives through a separate electorate and they thus reduce themselves to the position of a minority when they come to the legislature or to the public bodies. Therefore, I say that separate electorate simply fans the fire of communalism without giving any constitutional protection to a minority. That is the point to be brought out. I want to know dispassionately—I am not at all speaking from the point of view of party politics,—I do not feel that I am really constitutionally fitted for party politics of this kind,—I wish to rise above considerations of party politics and discuss this matter in a really scientific spirit—to understand why separate electorate is wanted for the minority, and I

am speaking not for the majority community but for a minority community. What protection can a minority have from a separate electorate, because, as Lord Salisbury emphatically declared in Parliament, it is no protection to a minority not to be able to influence the election of those who are to form the government? Therefore, speaking from the constitutional point of view, separate electorate is absolutely bad in principle and also absolutely inefficacious as a remedy for the evils which it seeks to remove. My point further is that if from the Upper House our Muhammadan brethren would give a lead to the country in favour of this scheme which is simple,—we are not altering the allocation of seats, we are simply praying that we should settle down as brothers, to build up a real democracy for this province of Bengal on the basis of an ideal of common citizenship and nationalism and if you really believe that communalism is an evil in this country you cannot escape from the consequences of that belief, namely, that if you provide for constitutional channels, along which the muddy waters of communalism will flow, then certainly you cannot put a stop to communalism. You may talk in the air about the evils of communalism in general terms; you may indulge in generalisations and platitudes, but if you are really businesslike, if you talk business, then you cannot escape, I am afraid, from the conclusion of your reasoning, namely, that separate electorate will always keep up the separatism of communities. It is meant to separate the communities and therefore nowhere in Europe and nowhere in democratic history or politics, is this vicious institution ever thought of. Consider the case of the Germans in Poland. The Germans there make up only 23 per cent. of the population of Poland. They have never cared and they disdain to suggest to the Polish Government that Germans must enter the Polish Parliament not as Poles, but as Germans by means of separate German electorates. That is not a point which has ever been conceded in Europe or even in any of the democratic countries in the world. Therefore, I should like to make my appeal to my friends here not to think that this motion has any taint of communalism in it. It is not meant at all to harm the interests of the great Moslem community. We only plead here for mutual trust. Separate electorate, as I have said, is unprecedented in history and politics, it does not serve the end for which it has been invented here. Its only purpose is to separate the communities and to lead the communities to fight out their quarrel in warring camps. On these grounds, I hope this resolution should be accepted by the House.

Mr. HUMAYUN KABIR: Sir, I do not feel very happy in speaking on this motion and that for more reasons than one. First of all, Sir, I do not see any point in presenting an Address to His Excellency the Governor requesting him that the differences between the communities

should be made up. Here, Sir, I propose to undertake a little historical analysis and to go back into the past history of the country for the last 150 years and more, and if in the course of my remarks, I say certain things which appear unpleasant to some of my Hindu and Moslem and European friends, I hope they will take my remarks in the light in which they are offered. Sir, it is not my desire to speak from a passionate or partisan point of view. But I think that a calm and dispassionate survey of the facts of Indian history for the last 150 years will convince us that this sort of appeal to the authorities that the differences between the two communities should be made up is, to say the very least, inapt and inappropriate. It is after all not the business of the Britishers in this country to make up the differences between the Hindus and Moslems, for if they did so, their occupation in India would be gone. Ever since the time of Rome it has been the policy of every imperial government to divide and rule and if that very policy has been followed in this country as well, it reflects no discredit upon the Europeans who have utilised that principle here, but upon those Hindus and Moslems who have lent themselves to being used and made fools of by persons who are more astute, have greater political consciousness and greater patriotism and greater regard for the interest of their own country.

I am also not very happy with this resolution for one or two other reasons. In it, there is the talk about the "rising tide of communalism." That I think has no historical truth. There is no question of a "rising tide" of communalism. As a matter of fact, communal differences have been there as a canker in Indian polity from the beginnings of its modern period, and if that canker had not been there, we should not have been in the state in which we are to-day. I think it is futile for us to go and appeal to a third party, which only profits by our differences and divergences, but we should ourselves see that the canker is removed.

As I was saying a moment ago, it has been the policy of imperial politics to divide those over whom it has control and in pursuance of that policy, the British Government in this country, ever since the days the Britishers came into contact with Indians, have set up the Hindu against the Moslem, and the Moslem against the Hindu. Before the government of this country was assumed by the British Parliament, even during the days of the East India Company, we can find definite traces of how attempts were made to set up one community against the other. If we survey the history of the last 150 years, I think two broad divisions show themselves very clearly. I would take the first period from 1793 to 1886 and this I suggest is the period when the Britishers were pushing forward the Hindus, in every possible way and trying to set them up as rivals against the dominant interests of the Moslems of that time. There is no denying the fact that when the British took over control, they took it from the hands of the Moslems and for that reason it was the interest of the Britishers that the Moslems

must be crushed, that their aspirations for political independence must be curbed, and in order to do that it was necessary that another force or another party should be created in the country, which would be a sufficient off-set against the forces of the Muslim community of that time.

As the first step in this process of gradual exaltation of the Hindus under the aegis of the British, I regard the Permanent Settlement in Bengal. There are economic reasons, historical reasons, psychological reasons and social reasons for the Permanent Settlement, but most important of all, there was at the time also the definite political reason that the Permanent Settlement must exist in order to crush the Moslem aristocracy of the day. It marks the first step which the British adopted as a definite conscious policy in order to create a community whose interests would be tied up with the interests of British Imperialism. It is also a historical fact that after the Permanent Settlement, practically 90 per cent. of the land-owning classes had lost their property and land had gone over to the hands of new owners, a new land-owning community who had received this as a gift from the British. In many cases, this transference was not only to new persons but to persons of a different community. There is no denying the fact that before 1793 or at any rate a few decades earlier, the majority of land-owners were Moslems. But after 1793, we find that as a matter of fact only a very few of them are Mussalmans. The properties were transferred to the hands of the Hindus. This was natural, as I have said earlier, as it was to the interest of the Britishers to do so, and it shows their political superiority that they were able to utilise the divisions between the Hindus and Moslems in this way.

The second step in this process of exaltation of the Hindus at the cost of the Moslems, I regard to be the Resumption Proceedings. Hon'ble members of this House probably know how, as a result of the Resumption Proceedings, well-to-do Moslem families were reduced to poverty almost over-night. Some Hindus were also affected by them, but the brunt of the attack fell on the Moslems and that for reasons which are easy to understand. And what the Hindu lost went to another Hindu; but what the Muslim lost, went invariably to a Hindu, due to the political circumstances of the time. Here was the second step. When the British were taking away the properties, a very large number of properties was taken from the hands of the Moslems and transferred to the hands of the Hindus. The Moslem middle and upper classes were being crushed and a new Hindu *bourgeoisie* or middle class was being created on its ruins.

The third step in this process was the famous Circular of Lord Macaulay of 1833, when almost over-night the language of the land was changed. Till 1833 the Moslems, at least in Bengal, had not

realised that power had really gone away from their hands. They did not realise that the days of their glory were over. They were flattering themselves with the idea, they fooled themselves with the idea, if I may say so, that the British were there merely as collectors of the revenue, or Dewans. But after 1833, overnight the language was changed and when English became the Court language, that illusion of the Moslems was shattered, and shattered so suddenly and completely that they were not able to adapt themselves to the change in circumstances. The educational backwardness of the Moslems, from which they are suffering even to-day, is partly a result of this sudden change which took place in 1833. Therefore, I suggest that these three definite steps, namely, the Permanent Settlement of 1793, the Resumption Proceedings which started in 1820 and Macaulay's famous Circular changing the court language of India, marked the three different stages by which the Moslem upper classes and middle classes, were being denuded of their prestige and power, and in their place a new middle class was being created, a Hindu middle class whose interests for the time being were identified with the interests of the British commercial interests which held its sway over the destinies of India.

Sir, there are other facts also which we have to remember. About that time, the major commercial concerns of the British were founded in Calcutta, and the middlemen in the commercial field also were naturally the Hindus. Because, at that time by a futile but understandable attitude of non-co-operation which the Moslems had adopted, they refused to have anything whatsoever to do with the British, either politically or commercially. And as a result, the wealth of the country, and the culture of the country,—culture always follows wealth,—became concentrated in the hands of the Hindu middle classes of the period. Therefore, Sir, we find about that time, 1860 or thereabouts, a growing Hindu middle class which was opposed to the old Muslim rule which had gone before, and which thought in terms of the ideas which the Britishers of that time had taught. I may refer, Sir, to the late Bankim Chandra Chatterjee, whose great genius nobody questions, as one of the typical products of the period. He was one who condemned the Muslim rule of the previous eras, but who at the same time saw in the advent of the British the foundation of the Dharmarajya. Bankim did not use the anger of the Hindus against the Muslim rule as a symbol of the revolt of the oppressed against the tyranny in any country of the world, but allowed personal considerations, communal considerations, to get entangled with this universal and eternal conflict between power and tyranny on the one hand and oppressed nationalism on the other. We find, therefore, that in Bankim Chandra's "Ananda Math" which even to this day, unfortunately, is almost a bible with many Hindu nationalists—we find in his "Ananda Math", on the one hand a

condemnation of the Muslim rule of India,—that there were many things to condemn there, no body can question—but at the same time, there was also exaltation of the advent of the British. Satyananda's revolution was not necessary any longer because of the establishment of Dharmarajya with the advent of the British!

There is nothing surprising in this, for this was only natural. The historic processes of the time, economic factors, political factors were working in the same direction, and we therefore find that at that time, a Hindu middle class was being created step by step by the British in order to upset the power of Muslims and in order to perpetuate the domination that they held over this country. But, Sir, the British very soon learnt that power once transferred tends to assume undue proportions and by the beginning of 1880 or thereabout, we find that this Hindu middle class which had been created by the British, was demanding power, demanding political independence, was going much further than the British had ever intended them to go. The British had intended them to be merely middlemen, in the political field, in the commercial field, in the economic field, in the social field,—the translators of European ideas and civilization to India and sharers in the spoils which fell from the tables of the Imperial Masters.

But, Sir, the foundation of the Indian National Congress in 1886 marked the turn of the tide. The Hindu middle class was going beyond the extent to which British Imperialism had wanted them to go, and when the Hindu bourgeoisie, the upper class Hindus, wanted political independence, and wanted full power,—the whole power and nothing but the whole power—and refused to be merely the middlemen of British Imperialism, the conflict between Hindu interests and the British Imperialism began. Ever since 1886, this conflict has raged and I think we are witnessing the same process which is going on to this day. The Hindu middle class has grown too powerful to be content to be merely the vassals of British Imperialism, to be merely middlemen of British capitalism. That is why, ever since 1886, Hindus have always been in the vanguard of the national fight; they have carried the struggle for the freedom of India, they have carried the message of freedom for India not only in this country, but beyond the shores of India.

The British learnt a lesson. They saw that they had exalted the Hindu middle class more than was safe or necessary and ever since about 1906 or so, we find a change in their policy to which eloquent reference has just now been made by my hon'ble friend Dr. Radha Kumud Mookerji. There is no doubt that when the British Imperialists wanted to create a new Muslim middle class, the initiative for it came from British statesmen and the facts which have been mentioned by Dr. Radha Kumud Mookerji have never been questioned. It is on record that it was largely due to the initiative of Lord Minto that this

deputation went, and since that time it has been the policy of the British to try to create a new Muslim middle class, in order to curb, in order to control and check the superiority, the power which had come into the hands of the Hindu middle class. There is, however, one difference. As a result of the experience of a hundred years, the British had learnt one lesson. They have learnt that it does not do to give too much power to the middle class. Once the power is given to the middle class, it is not content to remain a middle class; it wants to go on and wants to achieve independence for the country. Therefore, from 1906, the British policy was changed and a new policy was started, by which a Muslim middle class was sought to be exalted over the Hindu middle class, but with a difference.

This time the British took good care that power was not transferred to this new middle class. From 1793 to 1860, there is no doubt whatsoever that the British had really co-operated with the Hindus of the period. They had really helped in creating a powerful middle class. But from 1906 onwards, when they were creating a Muslim middle class, nothing of the kind was done. Only the shadow of power was given, only an outward show of power was sought to be transferred, but the real kernel of power was kept reserved in the hands of the British. Again, as I have said earlier, Sir, there is no occasion in this for anger on the part of Indians. There may be occasion for sorrow, sorrow at the colossal inaptitude of a people who have allowed themselves to be exploited in this way for over 200 years. But if any Indian is offended or if any Indian is angry with the Englishman, he is only proving his own foolishness, he is only showing his further incompetence to take charge of the affairs of his country. But as I was saying, Sir, since 1906 there has been a change in the policy. There has been a show of transference of some power to the Muslim middle class, but with this difference that this time the British took good care that a sufficiently powerful Muslim middle class should not grow. I think, Sir, we find evidence of this design in the Government of India Act, 1919, when real power was not transferred but power only in certain municipal affairs—you can call it a sort of glorified Calcutta Municipal Act—only control over certain Local Self-Government Departments was given. Certain departments which were given the high sounding title of nation-building departments were sent up but without control over the finances and resources of the land. But, Sir, I will go still further and say that even in 1935 there is further proof that this time the British had determined that real power was not given over to the Hindu or the Muslim middle class. Because, once the new Muslim middle class grew, there may be co-operation between the Hindu middle class and the Muslim middle class, and if these two powers unite, there is no preventive to the demand for complete independence which Indian people as a whole have put forward before the world time and again. Therefore, Sir, in 1935 what

do we find? Again a glorified Local Self-Government Act. What is even more significant is that defective as the Act is, the federal portion of the Act is not brought into operation from the outset. The two parts did not come into operation at the same time. This is a significant fact. I would ask every member of this House to pause over it, to consider it, to understand what are the implications of not giving even this very unsatisfactory Federation which every single Indian has condemned. Even this unsatisfactory Federation was not brought into operation first. Provincial Autonomy was given first. Reasons for this are not far to seek, because in the Federal sphere, however imperfect the Federation that has been proposed, questions there are over which the interests of India cannot be divided; questions there are like Customs, tariff, control over the policy of currency, commercial discrimination, defence question, external relations in which the interests of Indians are not and cannot be divided against one another. There is no question of Bengalee against Maharathi in the question of currency; there is no question of Hindu against Muslim in the question of external relations; there is no question of Buddhists against Christians, no sort of communal differences, no sort of provincial differences in the questions which are the subjects for the Federal constitution. Therefore, Sir, however imperfect the Federal Act may be, however little it may go forward to satisfy the aspirations of Indians, even that imperfect Federation till——

(At this stage the member reached his time-limit.)

Mr. HUMAYUN KABIR: May I have a few minutes more to finish my speech Sir.

Mr. PRESIDENT: Yes, two minutes.

Mr. HUMAYUN KABIR: I am sorry, Sir, that I have got to finish, because I had a lot to say.

As I was saying, Sir, a moment ago, even though this Federation in the form in which it has been given to us is unsatisfactory to every single individual Indian whatever his political complexion, whatever the party to which he belongs, still, even that Federation is not to be given till the pitch has been spoiled by creating provincial jealousy, by creating communal jealousy by the operation of Provincial Autonomy. Why is it, Sir, that Provincial Autonomy was given first and not Federation, however imperfect it might have been? Because in the provinces the quarrel will be between the Hindus and Muslims. In some provinces, the Government will be predominantly Hindu, in other provinces Government will be predominantly Muslim. Therefore, since the power will seem to be in the hands of the people of our country, since the conflict will seem

to be one between different communities within the province, the relations between the communities will be disturbed, the relations between the provinces will be spoiled—not merely that, provincial jealousies will be created. When the Federation comes into operation, when the Federal Act is put into effect, the pitch will be spoiled and there will be provincial jealousies and there will be communal jealousies with the result that it will be very difficult for Indians to combine in defence of their common interests. But, Sir, in spite of these difficulties, in spite of these dangers, Indians will unite in the Federal sphere as has been proved more than once. We find even in the present Central Assembly, Muslim League and the Congress, in spite of sharp differences of opinion on so many questions, are forced to co-operate with one another on so many issues. That is why, Sir, at the very outset, I said that this is a resolution on which I feel very unhappy to speak. It is not a resolution which I can support wholeheartedly. I do not see any point in presenting an address to an authority whose interest is so sharply opposed to ours. It is a matter for us to decide and——

(The member having reached his time-limit, resumed his seat.)

Mr. KADER BAKSH: Sir, this is a resolution which should not have been moved at all, because the Hindu community and the Muslim community both know full well where the difference lies, where the shoe pinches. They are in full possession of all facts. Sir, I find Mr. Humayun Kabir, in tracing the history of 175 years beginning from the time when power went to the hands of the Britishers up to the present day, has given a vivid description why there has been this feeling of separatism between the Hindus and the Muslims. Also, Sir, I thank Dr. Mookerji for the arguments he has advanced, but I think the arguments he has advanced are faulty. He has not tried to go deep into the root of this communal problem, but has studied the subject from a superficial point of view. Where is the trouble, Sir? He has referred to what the late Maulana Mahomed Ali had said as the President of the Indian National Congress, but he has not said why he was compelled to leave the Congress altogether. He has not given the reason. I know he has not given it purposely. A man of his position, a man of his learning, a man of his idea of self-sacrifice, a man of that high ideal, Sir, was compelled to leave the Congress. His brother, Maulana Shaukat Ali of revered memory had also to come away. Why they had to come away? Did they become unpatriotic? No, not at all. But they were oppressed unreasonably, unfairly, unjustly, by the narrow-mindedness of the Hindu brethren. Dr. Mookerji and other hon'ble members opposite must understand that the Hindu community is the bigger brother. They must possess a larger heart, but their outlook, their vision is very very narrow.

Sir, I will give the House some instances where they have exhibited their narrow-mindedness which is at the root of this separatism and which is the main reason why Mussalmans demand separate electorate. My friend, Mr. Lalit Chandra Das, conceives perhaps that if this representation is taken away, communal peace and amity will be established between the two communities. Sir, he is absolutely wrong. There is real need for separate electorate. I will give him some instances from my personal bitter experience and also ask my friends to look into the leading articles in the papers, I mean Congress papers from day to day. What is happening over there? You will find even in to-day's papers that yesterday thirty thousand people of Calcutta assembled in Sradhananda Park at a public meeting and gave a challenge to the Hon'ble Mr. Fazlul Huq, the Premier of this province. They challenged Mr. Fazlul Huq, but he did not give any counter-challenge but accepted their challenge cheerfully. If you remember, Sir, the speech which Mr. Sarat Chandra Bose, Leader of the Opposition in the Lower House, delivered, you will know that he said that the Hindus will start an agitation so strong that the Ministry would be compelled to withdraw the Bill from the statute book very soon. That was a challenge which Mr. Fazlul Huq accepted on behalf of thirty million Muslims of Bengal, but he himself did not throw out any challenge. If there is some sort of a Bill which they do not like, they are sure to show their shallow-mindedness. Whenever some good is done, they become vituperative and fall foul of the Muhammadan community. We all know, Sir, that in the interior mufussil areas the Hindus and Muhammadans live together side by side peacefully and amicably. But when we come here in Calcutta, we find this spirit of separatism and division created for the purpose of exploiting something for their own selfish interest. Now, Sir, because the Muhammadans have been given three more seats in the Corporation, that is called anti-national and anti-democratic, as if the whole world is going to be shattered to pieces on this account! If, as Mr. Bose has said, there is no interest as Muslim interest, or Hindu interest or Christian interest, why should the Hindus grudge a few more seats being given to the Muhammadans or to the depressed classes? They grudge because they had been in power for several years, and now some of their powers are going to be taken away. Sir, the Hindu community has been in power and has monopolised the administration since 1793. They will lose their influence and prestige if powers are taken away from their hands. They have ruled the country so far and if the Muhammadans and Christians want to assert themselves and demand some of those powers, the Hindu community, as the elder brother, does not agree to their demand. They cannot bear the idea of power going out of their hands. That, Sir, has been the reason underlying the demand for separate electorates. If we go to the interior in my own district, I have seen them setting up several candidates to contest my candidature in a

municipal election through the joint electorate. I do not know, Sir, why they should do that. I am not their enemy. But, I have the satisfaction of saying that they have been defeated all along and they could not come up anywhere near to the votes that I had received.

Sir, it is a habit with them to do so simply because they had got the upper hand so far. Had they remained neutral, there might have been some sort of sympathy in the minds of the Mussalmans. And my friend who pleaded for harmonious relationship between the communities should, as behoves an elder brother, have a larger and a bigger heart but they have not got that. This is the reason why the Muhammadan community has been compelled to go away from them. The Hindu community has always denied the Muhammadan community opportunities for service and if the Muhammadan community is not now so friendly with the Hindu community, it is not because they want a division in the camp or they want to divide India but because the Muhammadans have been very shabbily treated by their elder brothers, and that is why we find that Mahommed Ali and Shaukat Ali had to go away from them. The Muhammadans when they got education, realised their situation and wanted to have a share in the power to administer the country. They do not want so many posts only in Government services. They want real power in the administration of the country and to be at the wheels of the real administration. It has enraged the Hindu community. The cat is out of the bag. They have found out what the Muhammadans want. We want real power. They do not want to part with that, and that is the real justification for our demand for separate electorate. The Muhammadans have become fully conscious, after mature consideration for years, that the interests of the Muslims are not safe in the hands of their Hindu brethren. They have not got the heart of an elder brother. Further, Sir, Muhammadans want separate electorate, and that should be the last word on the subject. Ninety-nine per cent. of the Muhammadans want separate electorate. We will not go to His Excellency the Governor; we will not appeal to the Hindus. We must remain in the country and separate electorate will also remain until and unless Hindus have come to realise that the Muhammadans are also a factor to reckon with in the country, that they too are men and must be allowed to live. Therefore, I think the resolution of my friend, Mr. Das, is premature. Let them change their heart. Let them have a broader outlook. Let them think that Muhammadans are human beings, they are men who are fit to live, and the scheduled castes are also men and should be allowed to live in this fair land of Bengal. Communalism will go away then. A resolution like this will be of no use in settling up the differences between the two communities.

If you give me offence, I will also give you offence. We will not patiently bear everything. If you treat us like brothers, certainly

we will follow you. You say that we are the worst communalists. This is the cry that you have been carrying on for 30 years. I had been in the Congress for several years, from 1915 to 1924, and had been one of the staunchest of its members. But on account of the treatment that was meted out to us, we had to come out of it. In my district out of 25 thousand Congress members, 16 thousand were Muhammadans and they followed the Congress banner; but they had to go away. And why? Because of the wrong point of view from which they looked upon us and the treatment that they meted out to us, the Muhammadan community as a whole. So, it is the Hindu community which has alienated the Muhammadans from them. I can repeat instances after instances. If you will read over the pages of the "Hindusthan Standard" and "Ananda Bazar Patrika" you will see every day headlines like "Muhammadan goondaism, etc." We are not communalists. You are the narrowest possible communalists, because you have divided the country into separate communal compartments, Hindus and Muhammadans. If you lead the people into right direction you need not move the Governor with petitions.

Mr. NARESH NATH MOOKERJEE: But you have got reserved seats.

Mr. KADER BAKSH: And that is the worst of the whole case, for they are no better than Hindu seats. You are in a great majority and you will influence the electors and that is why we are fighting for separate electorates. That is the last word on the subject, as our leader Mr. Fazlul Huq has said. So, we want separate electorate and we want it, whether it is good, bad or indifferent, as it is to our own interest. We do not want to take your advice in the matter. We are old enough to take the advice of our leader and follow him. I repeat that 99 per cent. of Muhammadans want separate electorate and so, I too say that that is the last word on the subject. And this separate electorate shall continue until the vision of the Hindu community has changed.

There is talk going on for giving some more seats in the services to the Muhammadan community. The Hindu community are getting signatures on a petition to be presented to the Governor. Even men like Poet Rabindra Nath Tagore who was absolutely above communalism, have been dragged into the controversy. If, however a few offices will satisfy them, they may take them, Sir. But I can say that they are grumbling because it touches their pocket. It is only the food problem and that is the sole factor in this matter. No political consideration has influenced them to take the step, but the only consideration is the consideration of the pocket. That is also the consideration, Sir, for which they have moved a motion like this. And if you analyse the whole thing

you will find what is at the bottom of the motion. The Hindu political outlook is not to improve the country but only their own economic interest. I, therefore, oppose the motion.

Mr. PRESIDENT: Mr. Das, you have your right of reply.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I speak, Sir?

Mr. PRESIDENT: Certainly.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the temptation to speak at length on this matter is very great, but I refuse to speak on the merit of this motion, as the policy of Government on such questions has been not to participate in the discussions but to forward a report of the debate to His Excellency the Governor, the reason being that this is a matter which is not the immediate concern of the Local Government and as this is a question on which, as far as the advice of the Ministry is concerned, it will not be followed. But, Sir, before I sit down I would like most emphatically to repudiate the allegations made by the mover of the motion with regard to the activities of this Government in promoting communalism and specially the references made to the Hon'ble Chief Minister. Sir, all these allegations are incorrect, almost maliciously incorrect, as will be obvious if you compare the conditions in Bengal with the conditions in other provinces. Sir, in this province, the people are living in amity and peace as compared with provinces like Bihar and the United Provinces. It appears to the Government that there is a deliberate move to stir up communal hatred and passion by some interested parties, specially the nationalist newspapers and those who are now directing the activities of the Congress in Bengal. (Question!) All these parties are trying their level best to create an impression among the general public that this Government has been unfair and unjust to the Hindu community. But they cannot show one single instance where any unfair treatment has been meted out to them.

Mr. RANAJIT PAL CHOUDHURI: What about the Calcutta Municipal Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: On the other hand, in spite of the agitation of the newspapers, we have been able to maintain peace and order in this province; but if such activities continue, if motions of this character which will serve no other purpose but to accentuate the communal differences, if motions of this kind are brought forward, then the result will be that things will get worse and in that case the responsibility will be not on the Government. Instead of trying to smooth matters, instead of trying not to bring forward in the Legislature questions which will accentuate communal differences—there are

certain persons who make it a point always to push into prominence those matters which tend to accentuate communal differences. I would appeal to the members of this House particularly, to try and exercise their discretion in this matter. Instead of condemning Government, instead of discrediting Government on this issue, direct your attention to the work we have been doing; criticise us on those activities, but do not try to criticise us on this ground. See what is happening in the other provinces. How is it that all those provinces where Muslims are in a majority, they are free from communal troubles, whereas in those provinces where the Muslims are in a minority, communal trouble breaks out.

Mr. RANAJIT PAL CHOUDHURI: Ask Mr. Jinnah!

The Hon'ble Khwaja Sir NAZIMUDDIN: The question will not be answered by asking Mr. Jinnah. I am asking the gentlemen opposite. It is obvious that if these troubles are due to the Muslims, then the trouble would have been much worse in provinces like the North-West Frontier Province, Sind, Bengal and the Punjab, where Muslims are in an overwhelming majority. Yet, by the Grace of God, in these Provinces you never hear of communal riots, but in provinces like Bihar, the Central Provinces, the United Provinces and other provinces where Muslims are in a hopeless minority, hardly a week goes when you do not hear of communal riots. The inference is obvious. Therefore, I appeal to the members of this House and through them to those outside to try their level best to prevent accentuation of these communal troubles. See what is going on in other places and let us all make a joint effort to keep the peace in this province. This is a very serious thing. If once communal trouble starts in one place—you know the past history—it goes right through the province like a blaze of fire from one end to the other. It is dangerous. Do not play with this. There are many other things on which you may, if you choose, attack the Government, but leave this issue alone. It will do nobody any good. It is like playing with fire which you cannot control, once it is lighted. Therefore, I appeal to the members of this House once again to treat this matter much more seriously. Do not try to tackle it in a light-hearted manner. Do not think that this is a ball which will knock out the Government wicket. It is not easy on this issue to knock us out. Government stand or fall on the work which they have been doing. If we are open to criticism on those things, do criticise us. We would welcome such criticisms but do not play with this issue. This is my friendly advice.

Mr. LALIT CHANDRA DAS: Sir, we have watched events since 1937, and it is May, 1939, when this motion has been brought. I stand

by all the statements that I have made in my speech. Those statements are based on facts and facts only. Does Sir Nazimuddin deny that cows' heads were thrown, idols were broken, processions were stopped, and immersions were stopped. Does he deny the speeches that were made by the Hon'ble Chief Minister since 1937 till 1939? Does he deny that in writings the Hon'ble Premier did everything in his power to inflame communalism? Does he deny all these things? These unpleasant facts were only stated. There was no malice behind. It is because we stand by nationalism, because we feel that in Bengal there must be a democratic form of Government, that I considered it an imperative duty to bring this resolution. What after all is behind this resolution? We look upon the Muslims as our brothers, the bone of our bone, the flesh of our flesh. When we find the present Ministry is straining every nerve to separate our brothers from us, when we find that even in the premier city of Calcutta, a Bill is brought where separatism is the cry, communalism is the cry, where the general interests of the ratepayers are overlooked, does Sir Nazimuddin look into these facts and yet say that I am in the wrong in bringing such a resolution as this? Sir, there is altogether a wrong impression in the minds of my friends here, that I am here laying an emphasis on the word "Address to His Excellency the Governor". Nothing of the sort. You are only to look to the spirit behind the resolution. Has not the Nawab Bahadur of Murshidabad tried his level best, has he not called conferences of Hindus and Muslims and appealed to both the communities to unite for the good of the Motherland? Has he not set up conferences of persons of both communities to bring about unity and amity? Has he succeeded? All attempts that were possible were made, but I think the root of the disease is elsewhere. The root of the disease is of course the communal electorates. I thought that the appeal of discord was thrown by the British Imperialism and this is the reason that I am urging my Muslim brethren to unite with the Hindus and press for joint electorates. It is by joint electorates the brotherhood is established and will be established. I have heard with profound attention the speeches both of Dr. Mookerji and Professor Humayun Kabir. I do not dispute the historical analysis which has been made by my friend Professor Humayun Kabir. True it is that from 1886, Hindu nationalism began to urge that the British Imperialism must be brought to its knees, that every attempt should be made to establish a united India. It is true that since 1906 an attempt was made by British Imperialism to set up as against the great Hindu community another community, the Muslim middle class community. Knowing all these facts and understanding all these facts, does Professor Humayun Kabir yet think that an attempt should not be made to bring the brothers together, and the only process I see is not merely conference, setting up of committees which have

already been attempted, but to explore all possible avenues; and the last avenue is to remove the root cause of the evil by removing the separate electorate and establishing joint electorate. The point is how are we to bring about joint electorate? Has not attempt been made before now to bring about joint electorate? Have I not stated before this House that a determined effort was made by Dr. Rajendra Prasad and Mr. Jinnah, Leader of the Muslim League, and was not that a pointer? It may be that under certain circumstances those negotiations fell through, but after all it was a pointer. The leaders of both the communities realised that after all joint electorate is the thing which must be brought about and which must result in establishing unity between the Hindus and the Muslims and which will be responsible also for peace and amity in the whole country. That was admitted. But after all, where lies the power? Should not attempt be made to move the proper authorities to bring about a change by the united voice of both the Hindus and the Muslims in demanding joint electorates, in doing away with the separate electorates? This will be resisted by the British Government. After all, we shall have to approach them. I thought over it and therefore I said that to this end, namely, to bring about the fall of communalism and for establishment of nationalism, separate communal electorates must be replaced by joint electorates. That is the crux of the whole problem and it is for this that I said proper authorities must be moved. Who will move the proper authorities, Sir——

Mr. KADER BAKSH: On a point of order, Sir. May I request my hon'ble friend not to speak so loud. He has a bad throat.

Mr. PRESIDENT: Order, order. Mr. Das.

Mr. LALIT CHANDRA DAS: Who is to move the proper authorities, Sir? The proper authority must be His Excellency the Governor and through the Governor, the authorities in England. It is not with any enthusiasm that I brought this motion. It is with a sense of deep duty that I was compelled to bring this motion after watching events for full two years since the inauguration of Provincial Autonomy and when I saw that there was no other means of getting at the root of the whole problem that it was drafted in this fashion. Emphasis need not and should not be given upon the words "His Excellency" or the word "Address"; this is only a formality and no well-wisher of the country should attach any importance to it and give a go-by to the real truth behind this resolution. It is only an effort that is made by me to draw my Muslim brothers to the Hindus. I again say that Muslims after all are the bone of our bones, the flesh of our flesh and it is by joint electorate that we hope to establish democracy in India.

Mr. PRESIDENT: The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to recommend to the proper authorities concerned that very early steps should be taken to stem the tide of rising communalism in Bengal and to this end to substitute the separate communal electorates by joint electorates with reservation of seats for the minorities.

Since which an amendment has been moved by Mr. Nur Ahmed that the words beginning with "and to this end" and ending with "the minorities" be deleted.

The question before the House is that the amendment be made.

(The question was agreed to.)

Mr. PRESIDENT: Now, the question before the House is the motion as amended, namely, that an Address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to recommend to the proper authorities concerned that very early steps should be taken to stem the tide of rising communalism in Bengal.

(The motion was negatived.)

Mr. NUR AHMED: Mr. President, Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to make a representation to the Government of India protesting strongly against the Government of Burma's move to impose restrictions on Indian immigration.

Sir, I think this is a motion which will command the support of the House. Sir, before Burma was separated, it was in fact a part and parcel of India by her long political association, by her long association of culture and tradition and education. When the question of separation was raised, Indians unanimously opposed it and a large section of the Burmans were against it. But it was thought by the Imperial Government for imperial purposes to separate Burma from India. Burma was a very important limb of India, a part and parcel of India. When it was separated, it was apprehended that Indian interest will suffer; Indians will become foreigners in Burma. In the course of two years practically, it appears that Indians are going to be treated as foreigners in Burma. It is an admitted fact that we, Indians, have developed Burma to its present condition of prosperity.

Mr. PRESIDENT: Order, order. I would like to remind the hon'ble member that there are only 15 minutes left. If he wants this motion to be considered, he must make his speech very short.

Mr. NUR AHMED: There is a large Indian interest in Burma. The question of restriction of Indian immigration is under consideration and there is correspondence between the Indian Government and the Burma Government.

With these few words I strongly appeal to the members to accept my motion.

Mr. PRESIDENT: Motion moved that an Address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to make a representation to the Government of India protesting strongly against the Government of Burma's move to impose restrictions on Indian immigration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government are not in a position to intervene in this debate usefully, because they have not in their possession facts regarding the decisions taken or proposed to be taken by the Government of Burma. We hope that they are in negotiation with the Government of India and that no decision would be taken or at least the Government of India will not come to any agreement with the Government of Burma, without consulting the Government of Bengal on this very important question. Government fully realise the feeling that exists over this question in Bengal and are prepared to forward the report of the debate on this subject to the Government of India for being conveyed to the Government of Burma through the proper channel. This Government, therefore, are not in a position to give any further assurance on this question at the present stage.

Mr. HUMAYUN KABIR: Mr. President, Sir, in supporting the motion generally, I would like to make through you a request to the Government. It is not in the form of a formal amendment to the motion. But since the Government themselves admit that they have not in their possession sufficient facts to advise one way or the other on the question at issue, it would probably be of advantage to the province as a whole if a small sub-committee were appointed to go into the whole question and advise the Government. After all, large Indian interests are involved in Burma, and therefore it is natural that we should want that our interests should be protected there. Bengal is particularly affected because, I think, of the immigrants to Burma, the majority belongs to Bengal and Madras. These two provinces are primarily affected and recently there has been a move in Madras by which it has been attempted that the representative of the Government of India in Burma will be a man from Madras. I do not know if this fact has been brought to the notice of the Government of

Bengal, but if it has not been so done, the Government of Bengal should now examine the question and find out whether it is not necessary to have a representative of Bengal to protect the interests of Bengal immigrants as well. Therefore, it is my suggestion through you to the Government that a small committee may be appointed to go into the question. There is another consideration which we should not forget. After all, Indians who have gone to Burma are in the position of people who have gone there to exploit the resources of the country. To some extent, the resentment felt against the Indians there is based on certain economic bases. We should also examine how far the Burmese have a genuine grievance and how to meet their point of view. We resent other people who exploit us and, therefore, we should be particularly careful not to be guilty of the same charge.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I submit that the suggestion made by the hon'ble member is entirely beside the point. If I may draw your attention to the wording of the resolution moved——

Mr. PRESIDENT: Well, it is a mere suggestion that Mr. Kabir is making. It is not an amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But, Sir, it is a suggestion which he has made to the House.

Mr. PRESIDENT: But he has made that suggestion through the President.

Mr. HUMAYUN KABIR: I suggest to the Government through you, Sir, that they might appoint a committee in order to post themselves better about the facts themselves and also to let us know a little more about the conditions prevailing there. With these words, I generally support the motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As regards the suggestion of the hon'ble member that the Government should agree to the appointment of a committee to be better posted with the facts, I do not know what useful purpose would be served by the appointment of such a committee, because the facts will have to be ascertained through the Government of India. The Government of India and the Government of Burma are in communication with each other and whatever facts and information we want to get, we shall have to get through the Government of India; otherwise it will not be authoritative information and we have no independent authority to negotiate with the Government of Burma. We must do so through

the Government of India. So, I do not think any useful purpose would be served by appointing a committee of this House, because what is the machinery, what is the channel through which the committee would receive information and how would they obtain information unless it is supplied to them through the same channel, namely, the Government of India?

Mr. NUR AHMED: In reply, Sir, I may say that I do not like to add anything to what I have already stated. I only appeal to the House to accept this motion which is quite innocent and simple.

Mr. PRESIDENT: The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the President of the Bengal Legislative Council requesting His Excellency to make a representation to the Government of India protesting strongly against the Government of Burma's move to impose restrictions on Indian Immigration.

(The motion was agreed to.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President, Bengal Legislative Council, for conveying to the proper authorities the following resolution:—

> "This Council records its complete disapproval of the attempt being made by the British Government to amend the Government of India Act, 1935, with a view to concentrating all powers, in the event of a war emergency, in the hands of the Central Government".

Sir, I do not propose to make a long speech. On the 15th April last a Bill was presented in the British Parliament to the effect that certain sections of the Government of India Act should be amended with a view to concentrating all powers, in the event of a war emergency, in the hands of the Central Government. Sir, this shows distrust of the provincial authorities. The little power that has been conceded under Provincial Autonomy, the very limited powers that have been conferred under the Government of India Act, 1935, are now sought to be taken away or curtailed under certain emergencies. Sir, why should not the Provincial Government be trusted to do its own duty according to its own needs and necessities and according to the wishes of the people of this country? Therefore, it should be put on record in this House that it is of opinion that it disapproves of the attempt that is now being made by the British Government to amend the Government of India Act. Ministers were wrong in not consulting the Legislatures before giving their opinion on this thorny question. With these few words, I beg to move my motion.

Mr. PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President, Bengal Legislative Council, for conveying to the proper authorities the following resolution:—

"This Council records its complete disapproval of the attempt being made by the British Government to amend the Government of India Act, 1935, with a view to concentrating all powers, in the event of a war emergency, in the hands of the Central Government".

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to oppose the motion on the ground that it is in the interest of India as a whole that all the provinces should be united together at times of emergency. We are not yet so powerful or so strong that each province by itself will be able to protect itself. So, it is very necessary that at times of war, we must be one solid body and it is with that view I think, that the British Government has been enacting this measure. So, it would be against our own interest if we declare ourselves against that measure. With these words, I oppose the measure.

Mr. PRESIDENT: I now adjourn the Council till 8 a.m. on Monday, the 22nd May, 1939.

Adjournment.

The Council then adjourned till 8 a.m., on Monday, the 22nd May, 1939.

Members absent.

The following members were absent from the meeting held on the 19th May, 1939:—

(1) Mr. Narendra Chandra Datta.
(2) Mr. Kamini Kumar Datta.
(3) Alhadj Khwaja Muhammad Esmail.
(4) Nawabzada Kamruddin Haider.
(5) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(6) Khan Bahadur M. Abdul Karim.
(7) Maulana Muhammad Akram Khan.
(8) Begum Hamida Momin.
(9) Rai Bahadur Satis Chandra Mukherjee.
(10) Mr. H. P. Poddar.
(11) Rai Bahadur Radhica Bhusan Roy.
(12) Rai Sahib Jatindra Mohan Sen.
(13) Khan Bahadur M. Shamsuzzoha.
(14) Mr. D. H. Wilmer.

B. G. Press—1939-40—3710A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 22nd May, 1939, at 8 a.m., being the twelfth day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Mr. RANAJIT PAL CHOUDHURI: Sir, before I put my question No. 56 which you have asked me to do, may I know when the outstanding questions of the last Session that are also down for answer to-day will be taken up?

Mr. PRESIDENT: They will be taken up after to-day's questions are finished.

QUESTIONS AND ANSWERS

Annual grant to the Royal Asiatic Society of Bengal.

56. Mr. RANAJIT PAL CHOUDHURI: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the amount of annual grant made by the Government of Bengal during the years 1935, 1936 and 1937 to the Royal Asiatic Society of Bengal;

(*b*) whether audited accounts are received from that body by the Government before the grant is made each year;

(*c*) whether items of expenditure undergone by that body are subjected to departmental examination by the Government before the grant is sanctioned year after year;

(*d*) the total income of that body in the years 1935, 1936 and 1937 and expenditure in each of those three years on salaries and allowances of the staff;

(*e*) the total amount that has been drawn by the General Secretary from 1935 to 1937; and

(*f*) whether the office of the General Secretary was honorary before the present incumbent of the post came in?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker on behalf of the Hon'ble Mr. A. K. Fazlul Huq): By the courtesy of the President and the Council of the Royal Asiatic Society of Bengal, I am in a position to state as follows:—

(*a*) During 1935, 1936 and 1937 the Royal Asiatic Society of Bengal received from the Government of Bengal grants amounting to Rs. 46,440. Of this amount, grants of Rs. 4,800 (an annual grant of Rs. 1,600) were in direct aid of the Society's work and Rs. 41,640 were earmarked for specific performances in connection with publication of oriental works in various languages.

(*b*) Audited accounts of the Society are placed before its Annual Meeting held in February of each year and copies are supplied to the Government of Bengal whenever called for.

(*c*) Yes, but only in so far as they relate to expenditure incurred under grants from Government.

(*d*) and (*e*) The total income of the Society during the years 1935, 1936 and 1937 amounted to Rs. 2,00,231-2-4 including the annual grants for specific purposes.

The total expenditure on staff for salaries and allowances during each of these years was in 1935 Rs. 20,000, in 1936 Rs. 22,088 and in 1937 Rs. 21,098—total Rs. 63,186.

This excludes the sum of Rs. 29,500 paid to the General Secretary and made up as follows:—

		Rs.
1935	...	9,000
1936	...	11,500
1937	...	9,000

(*f*) With regard to this question, although this is a matter of internal administration which concerns the Society alone, I may say that some 16 years ago with a view to better administration, it was decided to make the present incumbent of the office "General Secretary", subject to annual re-election according to rules on the condition that he devoted his whole time to the work of the Society, and a payment was made to him of Rs. 500 monthly which was increased subsequently to Rs. 750. This arrangement is still in force.

Sub-Registrars' threatening to their subordinates.

57. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that District Sub-Registrars of Alipore (24-Parganas), Bogra, Burdwan, Birbhum, Bankura, Midnapore, Bakarganj, Barisal, Faridpur, Pabna, Nadia, Dacca, Mymensingh, Noakhali,

Chittagong, Tippera, Dinajpur, Rangpur, Rajshahi, Howrah, Hooghly, Malda, Jalpaiguri, Jessore and Khulna, and Head Clerks of Calcutta, Alipore, Bogra and Midnapore have been threatening their subordinates with punishment if they continue their membership in the registered associations?

(*b*) Is it a fact that a Circular letter No. 16179 in the following terms was issued on the 22nd December, 1938, by the Inspector-General of Registration, Bengal—

> "That an association under the title 'All-Bengal Registration Employees' Association' was started in Calcutta a few years ago. The association was registered under the Trade Union Act, and the office-bearers were mostly outsiders including leaders of labour movements in the province. The Memorandum of the association was not also a very happy one. The association was completely in the clutches of those politically-minded outsiders who got themselves elected as some of the office-bearers"?

(*c*) Is it a fact that the Hon'ble Premier himself, Mr. Tushar Kanti Ghosh, Editor, *Amrita Bazar Patrika*, Mr. Mrinal Kanti Bose, M.A., B.L., President, All-India Journalists' Association, Dr. Radha Kumud Mukherji, M.L.C., and Mr. Satish Chandra Sen, M.A., B.L., are patrons of the All-Bengal Registration Employees' Association, and Mr. Srish Chandra Chakravarty, B.L., Solicitor, M.L.C., President, Mr. K. C. Roy Chowdhury, M.B.E., M.L.C., Mr. Naresh Nath Mukherjee, M.L.C., Mr. P. Banerjee, M.L.A., Mr. Nagendra Nath Sen, B.L., M.L.A., Mr. B. Huq, B.SC., B.L., Mr. D. C. Mukherjee and Mr. Mafizul Huq are Vice-Presidents, and Mr. Kiran Chandra Mitra, B.L., General Secretary, Mr. Durgadas Banerjee, B.A., Secretary of the said association?

(*d*) Did the Inspector-General of Registration, Bengal, receive the statement sent on the 22nd December, 1938, showing thereon the names of members as well as the present office-bearers of the said association?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) I am not aware of any such threats having been made. Moreover the reports of District Registrars show that there are no members of any registered association among the subordinates of the districts in question except two in Bakarganj, one in Hooghly and five in Jessore.

(*b*) The number quoted is not correct, but a circular letter was issued by the Inspector-General of Registration on that date, which contained *inter alia* the statements quoted.

(*c*) Yes, but I have since resigned.

(*d*) Yes.

Reappointment of a dismissed police constable.

58. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Krishna Chandra Roy Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that a police constable named Ram Sagan Singh attached to Bhatpara thana, 24-Parganas, was dismissed from service for assaulting a member of the Bengal Legislative Council in March, 1938, during a communal riot?

(*b*) Is it a fact that the same constable was re-employed as a new hand a few months back?

(*c*) If so, on what grounds?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

Parade ground in Chittagong.

59. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that the Chittagong Municipality does not possess any open square except the parade ground?

(*b*) Is it a fact that the District Magistrate and the Commissioner of Chittagong Division disallowed the claim made by the Municipality for the possession of the parade ground?

(*c*) Is it a fact that the Municipal Commissioners have preferred an appeal to the Hon'ble Minister concerned against the decision of the Divisional Commissioner?

(*d*) Is it a fact that the said appeal is still pending?

(*e*) Will the Hon'ble Minister be pleased to state when he will be pleased to pass final order in this appeal?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No.

(*b*) and (*c*) Yes.

(*d*) and (*e*) The matter has since been disposed of. While Government have decided not to reopen the question of granting a lease of the parade ground to the Municipality, they have assured the Municipality that it will be kept open for recreation on the same lines as at present.

The Land Revenue Commission.

60. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the total amount of (*i*) pay, (*ii*) allowance, (*iii*) travelling and (*iv*) other expenses incurred in connection with the Land Revenue Commission until the 28th February, 1939;

(*b*) whether the members of the Commission are entitled to receive any salary, allowance, or passage money during the period when the work in India will remain suspended; if so, the amount of each item;

(*c*) the monthly salary of each member of the Commission;

(*d*) from what date the work of the Commission will remain suspended and for how many months; how many persons have been examined by the Commission and the names of such persons;

(*e*) under what principle the selection of the witnesses to depose before the Commission has been made; and

(*f*) if any appointment has been made in place of Sir Manmatha Nath Mukherjee; if so, who has been appointed?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*).

Pay—Rs. 48,923-6-4.

Allowance—Rs. 2,829-3.

Travelling allowance—Rs. 8,110-3-6.

Other expenses—Rs. 9,274-7.

(*b*) The following members are entitled to pay and allowances as noted against each—

Sir F. Floud—Honorarium at £1,500 a year. Passage Rs. 4,911-4.

Sir F. Sachse—Passage Rs. 2,009-6.

Dr. Radha Kumud Mukherji—Pay at Rs. 1,344 per month.

(*c*) A statement is laid on the table.

(*d*) The work will remain partially suspended from the beginning of April to about the end of October, 1939.

A list of the persons examined by the Commission is laid on the table.

(*e*) The selection was made so as to cover all the different interests and shades of opinion.

(*f*) No appointment has yet been made in his place.

Statement referred to in the reply to clause (c) of question No. 60.

Sir Francis Floud, K.C.B., K.C.M.G., Chairman.	Honorarium—£1,500 a year. Compensatory allowance—Rs. 1,500 per month while in India. Subsistence allowance—Rs. 10 per diem while in India.
Sir F. Sachse, C.S.I., C.I.E. ..	Pay—Rs. 3,000 per month.
Dr. Radha Kumud Mukherjee, M.A., P.R.S., P.H.D., M.L.C.	Pay—Rs. 1,344 per month.
Each other member	Allowance at Rs. 30 per diem for each day on which he attends a meeting or is on tour with the Commission.
Mr. M. O. Carter, M.C., I.C.S., *Secretary.*	Pay—Rs. 2,300 per month. Overseas pay—£30 per month. House allowance—As admissible to him as a member of the I.C.S.

Statement referred to in the reply to clause (d) of question No. 60.

LIST OF ASSOCIATIONS AND INDIVIDUALS EXAMINED.

Number and name of Association.	Names of the witnesses present on behalf of the Association.	Date of Examination.
	I—Landholders' Associations.	
1. Midnapore Zemindary Co.	(1) Mr. David Somerville .. (2) Mr. Andrew Somerville. (3) Mr. G. W. Woodgates. (4) Mr. Keith Smith.	7-3-1939.
2. Mymensingh Landholders' Association.	(1) Maharaja Sashikantha Acharyya Choudhury, M.L.A. (2) Mr. Jnanendra Nath Lahiri, B.L. (3) Mr. Jitendra Kishore Acharyya Choudhury. (4) Mr. Surendra Nath Sen. (5) Mr. Mohim Chandra Roy. (6) Rai Sasadhar Ghosh Bahadur.	9-3-1939.

Number and name of Association.	Names of the witnesses present on behalf of the Association.	Date of Examination.
3. British Indian Association.	(1) Maharaja Sashikantha Acharyya Chowhury, M.L.A. (2) Raja Bahadur Bhupendra Narayan Sinha, M.L.C., of Nashipur. (3) Mr. Tarak Nath Mukherji, M.B.E. (4) Mr. S. C. Ghosh Moulik, C.I.E. (5) Mr. P. N. Singh Roy. (6) Mr. Sachin Sen.	13-3-1939 and 14-3-1939.
4. Sundarban Landholders' Association.	(1) Mr. B. C. Ghose (2) Mr. T. K. Ghose. (3) Mr. N. N. Dalal. (4) Mr. A. D. Addy. (5) Mr. F. K. Bramha. (6) Mr. M. S. Chakravarty. (7) Rai Sahib W. C. Dey.	27-3-1939.

II—Associations concerned with tenants.

1. Bengal Provincial Kisan Sabha.	(1) Mr. Bankim Mukherji, M.L.A. (2) Mr. Rebati Barman. (3) Mr. Nirmal Sen Gupta. (4) Mr. Subrata Nag.	22-3-1939.

III—Bar Associations.

1. Dacca Bar Association.	(1) Mr. Monimohan Das (2) Mr. Satis Ch. Mazumdar.	8-3-1939.
2. Alipore Bar Association.	(1) Mr. Phanindra Nath Brahma (2) Mr. Srish Ch. Halder. (3) Mr. Sachindra Kumar Roy Chowdhury.	16-3-1939.
3. High Court Bar Association.	(1) A. M. Bose, Bar.-at-Law	25-3-1939.

IV—Anjuman Associations.

1. Mymensingh Anjuman-i-Islam.	(1) Khan Sahib Nurul Amin (2) Moulvi Abdul Momen Khan. (3) Moulvi Samad Ali.	23-3-1939.

V—Political Party.

Number and name of Association.	Names of the witnesses present on behalf of the Association.	Date of Examination.
1. Bakarganj District Krishak Proja Party.	(1) Syed Habibur Rahaman .. (2) Babu Debendra Nath Ghose. (3) Syed Abdus Sattar. (4) Lal Mohan Sen.	10-3-1939 and 11-3-1939.

VI—Government and ex-Government officers.

1.	Mr. S. C. Mitter ..	....	20-1-1939 and 21-2-1939.
2.	K. P. Maitra, Esq. ..	....	23-1-1939.
3.	Mr. M. M. Stuart ..	....	24-1-1939.
4.	Mr. W. H. Nelson ..	....	6-2-1939.
5.	Mr. M. Carbery ..	....	7-2-1939.
6.	Mr. J. C. Chakravarty	....	8-2-1939.
7.	Mr. J. N. Sircar ..	....	9-2-1939.
8.	Mr. F. W. Robertson	....	10-2-1939.
9.	Mr. S. K. Dey ..	....	13-2-1939.
10.	L. R. Fawcus, Esq. ..	....	14-2-1939.
11.	Mr. S. C. Mazumder ..	....	15-2-1939.
12.	Mr. A. E. Porter ..	....	16-2-1939.
13.	Mr. B. B. Das Gupta	....	20-2-1939.
14.	Mr. S. C. Halder and Mr. K. Ahmed.	....	23-2-1939.
15.	Khan Bahadur A. M. Arshad Ali.	....	23-2-1939.
16.	Khan Bahadur Ataur Rahman.	....	24-2-1939.
17.	Rai Bahadur M. N. Gupta.	....	21-3-1939.

VII—Miscellaneous.

1.	Dr Radha Kamal Mukherjee.	....	15-3-1939.
2.	Bengal Mahajan Sabha	(1) Mr. Aswini Kumar Ghose .. (2) Mr. Tarun Kumar Roy.	17-3-1939.
3.	Dr. S. C. Basak ..	....	18-3-1939.
4.	Bengal Provincial Co-operative Bank.	(1) Mr. S. K. Chatterjee ... (2) Rai Bahadur Nagendra Nath Mookherjee, O.B.E.	20-3-1939.
5.	Australian Baptist Mission.	(1) Victor J. White	24-3-1939.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Minister please state if a member of this House who gets a pay from Government is entitled to sit in the House under the Act?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I am not competent to reply to this question just now; I will however look into the matter.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister please state why no witness has been examined on behalf of the East Bengal Landholders' Association, Dacca?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): I want notice.

Khan Sahib ABDUL HAMID CHOWDHURY: With reference to answer (*b*), will the Hon'ble Minister please state what is the pay of Sir F. Sachse?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): Well, Sir, it is given in the statement on page 6.

Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister please state if Sir Francis Floud gets anything in addition to the honorarium?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): That is also given in the statement, that is, in addition to the honorarium he gets a compensatory allowance and a subsistence allowance.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister please state whether or not the East Bengal Landholders' Association submitted a reply to the questionnaire issued by the Land Revenue Commission?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): That, really, is a matter for the Commission; we do not keep any information on the subject, but if the hon'ble member gives notice, I can enquire into the matter and then give a reply.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: May I know when the work of the commission will be over—at least a probable date, and when the Commission will submit their report?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): I think within this year, or within February or March of the next year.

Khan Bahadur NAZIRUDDIN AHMAD: Is Dr. Radha Kumud Mookerji supposed to be drawing this pay for the whole of the year, that is, from the beginning of the work of the Commission to the end of its labours?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): I believe that is so.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister please state if he will also draw pay for the period of recess while Sir Francis Floud is in England?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): I think so, Sir, because his services have been lent to us by the Lucknow University.

Khan Bahadur ATAUR RAHMAN: Has he now become a whole-time servant of this Government?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): Well, he is not exactly a Government servant, but he is a member of a Commission.

Khan Bahadur NAZIRUDDIN AHMAD: Is he then a semi-Government servant?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): I do not know, Sir, but all that I know is that he is a member of the Land Revenue Commission.

The Bengal Government Press Employees' Association.

61. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Krishna Chandra Roy Chowdhury): Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to lay on the table a statement showing—

(a) the number of members for the year ending the 31st March, 1938, of the Bengal Government Press Employees' Association which is a registered Trade Union under the Indian Trade Union Act; and

(b) the number of members that have resigned from the said union during the year ending on the 31st March, 1938?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The number stood at 192 on the 31st March, 1938.

(*b*) 20 members left during the year ending the 31st March, 1938.

Bhatpara ganja, opium and bhang shop.

62. Khan Bahadur ATAUR RAHMAN (on behalf of Mr. Latafat Hossain): (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether the Bhatpara *ganja*, opium and *bhang* shop was allowed to change its site from Gopi Kisson Goswami Road, Bhatpara, to Ananda Banerjee Road, Kankinara?

(*b*) Is it a fact that the present site is within half a mile from the Reliance Jute Mill gate?

(*c*) Is it a fact that according to the rule of the League of Nations, Geneva, no opium shop can be opened within half a mile of any mill gate?

(*d*) If the answers to clauses (*a*), (*b*) and (*c*) are in the affirmative, will the Hon'ble Minister be pleased to sate why the above shop was allowed to change its site to its present site in violation of the Geneva Protocol?

(*e*) Will the Hon'ble Minister be pleased to state which officer was responsible for the above act?

(*f*) Does the Government propose to take any steps against the said officer? If not, why not?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*), (*b*) and (*c*) Yes.

(*d*) and (*e*) The change of site was sanctioned by the Licensing Board as the old site was not leased to the incoming licensee by the heirs of the deceased licensee and no other suitable site was available. The site of the shop will be changed at the earliest opportunity.

(*f*) Does not arise.

Redistribution of beds in the Eye Infirmary, Medical College Hospitals.

63. Rai Bahadur SURENDRA NARAYAN SINHA: Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state when the beds in the Eye Hospital, Calcutta, were distributed on new basis between Dr. Ahmed and Dr. Mukherjee? Under whose orders was the distribution made?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): The question of redistribution of beds in the Eye Infirmary, Medical College Hospitals, was under the consideration of Government since 1937. The redistribution, whereby 27 beds were allotted to each of the two Honorary Surgeons who had been appointed on the same date, was made in February, 1939, under my orders.

Promotion of Sub-Assistant Surgeons.

64. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*a*) what is now the number of Sub-Assistant Surgeons who have been promoted to the post of Assistant Surgeons under the Government of Bengal;

(*b*) if it is a fact that a vacancy has been created by the death of Dr. Kali Proshad Singh Roy, who was so promoted;

(*c*) if that vacancy has been filled up, and if so, in what manner; and if not, how long it has been lying vacant and for what reason;

(*d*) the number of promoted Mussalman Assistant Surgeons at present in Bengal;

(*e*) if it is a fact that the conditions of promotions are—

(*i*) that Sub-Assistant Surgeons should complete 20 years' service,

(*ii*) that they should have a good academic and service record, and

(*iii*) that they should be 45 years or less in age; and

(*f*) if there is any Mussalman officer who satisfies these conditions?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Five.

(*b*) and (*c*) The particular vacancy referred to by the hon'ble member was filled by direct recruitment through the Public Service Commission in October, 1937.

(*d*) One.

(*e*) and (*f*) Promotion is given strictly on the basis of seniority and merit, independent of any other considerations and is restricted to officers of not more than 45 years of age who, in the exercise of their profession, have shown themselves possessed of very exceptional attainments.

Khan Bahadur ATAUR RAHMAN: With reference to the answer (*b*), viz., that the vacancy caused by the death of the promoted man was filled by direct recruitment, may we know if there was any suitable candidate fit for promotion to the higher rank?

The Hon'ble Mr. TAMIZUDDIN KHAN: The answer is in the negative.

Contractors of the Medical College and Campbell Hospitals.

65. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to give the following information:—

(*a*) the names of contractors supplying goods valued at Rs. 2,000 and over in the Medical College and attached hospitals as well as in the Campbell Hospital, separately;

(*b*) the number of years each contractor is engaged successively; and

(*c*) how the contracts are distributed; whether by a Committee; if so, who are its members?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) and (*b*) The information relating to the Medical College Hospitals and the Campbell Hospital will be found in the statement which is laid on the table.

(*c*) The standards of dietary articles are fixed in a Committee consisting of the Superintendents of the State Hospitals in Calcutta presided over by the Surgeon-General.

The contracts are distributed by the Superintendents of the Institutions.

Statement referred to in the replies to clauses (a) and (b) of question No. 65.

	Names of contractors.	Number of years engaged successively.
	Medical College Hospital.	
1.	Md. Hashmatullah	2 years.
2.	Bankim Chandra Ghosh	Over a decade.
3.	Co-operative Milk Union, Ltd.	Do.
4.	Bengal Chemical and Pharmaceutical Works, Ltd.	9 years.
5.	Lal Behary Mallick	10 years.
6.	Joshi & Co.	1 year.
7.	A. Barman & Co.	1 year.
8.	Crown Bakery	2 years.
9.	Modern Dairy Farm	6 years.
10.	Farazali Bros.	3 years.
11.	Jagannath Pramanick & Bros.	Over a decade.

Campbell Hospital.

1.	Co-operative Milk Societies Union, Ltd.	.. 3 years.
2.	Messrs. D. Spencer & Co. ..	.. 6 years.
3.	Messrs. Ganguly Banerjee & Co. ..	.. 1 year.
4.	P. Mukharji	.. 1 year.
5.	Messrs. Mirzaffer & Bros. ..	.. 1 year.

Rai KESHAB CHANDRA BANERJEE Bahadur: Are there no Governing Bodies attached to the Medical College and Campbell Hospitals?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir.

Rai KESHAB CHANDRA BANERJEE Bahadur: Why then are the contracts distributed by the Superintendents?

The Hon'ble Mr. TAMIZUDDIN KHAN: Under the present rules contracts are distributed in the manner as indicated in the answer.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it not a fact that members of the Governing Body of the Dacca Medical School distribute contracts every year at a meeting held by them?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice, as this question deals with some institutions in Calcutta, and not in Dacca.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister please state why a different system is followed in respect of the Medical College and the Campbell Hospitals regarding the distribution of contracts?

The Hon'ble Mr. TAMIZUDDIN KHAN: Well, I see no difference.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister please enquire into this matter as regards the distribution of contracts as between Dacca and Calcutta?

The Hon'ble Mr. TAMIZUDDIN KHAN: If my hon'ble friend wants to know and gives notice, I will certainly do so.

Khan Bahadur ATAUR RAHMAN: With refernece to the list of contractors given, it is found that No. 2 is for over a decade; how is it that one man is getting continuously for years a contract in the Medical College?

The Hon'ble Mr. TAMIZUDDIN KHAN: If a particular man gives continued satisfactory service, there is no reason to remove him from the list of contractors.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister consider the distribution of this contract by the Governing Body of the School or College?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, that will be done.

Short Notice Question.

65A. Rai KESHAB CHANDRA BANERJEE Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that the Government of India Act, 1935, has definitely laid down that any member of any Legislature accepting any office of profit under the Crown will have to resign his seat as a member of the Legislature?

(*b*) If so, will the Hon'ble Minister be pleased to state whether Mr. Hamidul Huq Chowdhury, Deputy President of the Bengal Legislative Council, has been appointed as an Assistant Legal Remembrancer to the Government of Bengal on a monthly remuneration?

(*c*) Will the Hon'ble Minister be pleased to state the date when the appointment was made?

(*d*) Will the Hon'ble Minister be pleased to state whether Mr. Hamidul Huq Chowdhury, M.L.C., is being paid any monthly salary, or allowance or retaining fee or any other emoluments? If so, what is the amount of such salary, allowance, retaining fee or emoluments per month?

(*e*) Will the Hon'ble Minister be pleased to state if the Government consulted the Advocate-General of Bengal as to whether the office of the Assistant Legal Remembrancer is an office of profit under the Crown as contemplated by the Government of India Act? If not, why not?

(*f*) Will the Hon'ble Minister be pleased state whether the Deputy President has drawn his salary either as a member of the Council or as Deputy President of the same since his appointment as Assistant Legal Remembrancer and whether he is entitled to draw salaries both as a member and as Deputy President and also as Assistant Legal Remembrancer?

(*g*) Will the Hon'ble Minister be pleased to state whether it is a fact that the Deputy President did attend the Council on 1st, 2nd, and 5th May, 1939?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No, that is not what section 69 (*1*) (*a*) of the Act provides.

(*b*), (*c*) and (*d*) Mr. Hamidul Huq Chowdhury has been appointed as an Assistant Legal Remembrancer on a fixed remuneration of Rs. 400 a month with effect from April, 1939.

(*e*) No. Because they did not feel in need of advice in the matter.

(*f*) He has drawn salary as a member as well as Deputy President of the Council, to all of which he is entitled, together with his remuneration an Assistant Legal Remembrancer.

(*g*) Yes.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it not a fact that no Act has been passed by the Provincial Legislature not disqualifying the holder of such an office under section 69 (*1*) (*a*) of the Government of India Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: The whole point is that the post is not that of a wholetime Government servant.

Rai KESHAB CHANDRA BANERJEE Bahadur: Does the word "remuneration" mentioned in the answer (*b*) (*c*) (*d*) mean salary?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is a fixed remuneration, Sir.

Rai KESHAB CHANDRA BANERJEE Bahadur: Does the word mean fixed salary?

The Hon'ble Khwaja Sir NAZIMUDDIN: That I do not know.

Rai KESHAB CHANDRA BANERJEE Bahadur: Does it mean an allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is a retaining fee.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (*f*), and having regard to the fact that the question is open to different interpretations, will the Hon'ble Minister be pleased to consult legal opinion in this matter in order to clear the position?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not prepared to accept that there is any other interpretation than the one put by Government.

Further replies to questions unanswered in the February-March Session, 1939.

Mr. PRESIDENT: Questions which remained unanswered during the February-March Session, 1939, will now be taken up.

Non-Bengali Indians in the higher services of the Education Department.

166. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the names of non-Bengali Indians in the higher services of the Education Department of this Presidency—teaching and inspection, separately;

(*b*) the mother tongue of these officers;

(*c*) how many of them have passed the examination in Bengali and are qualified in that language; and

(*d*) whether those non-Bengali officers have been recognised by Government to be competent enough to inspect and control the secondary schools with Bengali as the medium of instruction?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): A statement is laid on the table.

Statement referred to in the reply to question No. 166.

(*a*)	(*b*)	(*c*)		(*d*)
Names of non-Bengali Indians in higher services of the Education Department (gazetted rank).	Mother tongue.	Whether passed the examination in Bengali.	How many passed and qualified in that language.	Whether these officers have been recognised by Government to be competent enough to inspect and control the Secondary Schools with Bengali as the medium of instruction.
Teaching.				
(1) Mr. K. Zachariah, I.E.S. ..	Malayalam ..	Yes ..	All except three, viz., Nos. 6 and 12 of the Teaching Branch and No. 4 of the Inspecting Branch.	Of the three persons who are not qualified in Bengali, Nos 6 and 12 of the Teaching Branch, are not likely to be required to inspect and control Secondary Schools with Bengali as the medium of instruction, while No. 4 of the Inspecting Officers who is officiating will not be confirmed until she passes the Departmental Examination in Bengali.
(2) Mr. A. K. Chanda, I.E.S. ..	Bengali ..	Does not arise		
(3) Dr. P. D. Shastri, I.E.S. ..	Punjabi ..	Yes ..		
(4) Khan Sahib Abdul Hakim, B.S.E.S.	Bengali ..	Does not arise		
(5) Maulvi Mahfuzul Haq, B.S.E.S.	Urdu ..	Yes ..		
(6) Dr. Itrat Hosain Zuberi, B.S.E.S. (offg.).	Urdu ..	No ..		
(7) Miss V. A. Alphonso, B.S.E.S.	English ..	Yes ..	....	
(8) Mr. Hakim Ali, B.S.E.S. (offg.)	Punjabi ..	No ..	....	
(9) Khan Sahib Abdur Rub Choudhury, B.E.S.	Bengali ..	Does not arise	....	
(10) Maulvi A. F. M. Abdul Kadir, B.E.S.	Urdu ..	Yes ..	....	
(11) Khan Bahadur Md. Yusuf, B.E.S.	Urdu ..	Yes ..	....	
(12) Shams-ul-Ulama Md. Yahya, B.E.S.	Urdu ..	No.		

(a)	(b)	(c)		(d)
Names of non-Bengali Indians in higher services of the Education Department (gazetted rank).	Mother tongue.	Whether passed the examination in Bengali.	How many passed and qualified in that language.	Whether these officers have been recognised by Government to be competent enough to inspect and control the Secondary Schools with Bengali as the medium of instruction.
(13) Mr. Syed Muzaffaruddin, B.E.S.	Urdu ..	Yes.		
(14) Shams-ul-Ulama Maulana Md. Amin Abbasi, B.E.S.	Urdu ..	No (exempted)		
(15) Mr. S. Abdus Samad, B.E.S.	Urdu ..	Yes.		
(16) Miss Sally Mayer, B.E.S.	English ..	No, but she reports that she can speak, read and write Bengali.		
Inspecting.				
(1) Khan Bahadur Mirza Abu Jaafar, B.S.E.S.	Urdu ..	No.		
(2) Mr. Fazlur Rahman, B.S.E.S. (offg.).	Urdu ..	Yes.		
(3) Maulvi Najmul Husain Choudhury, B.E.S.	Bengali ..	Does not arise.		
(4) Mrs. Sakina Ispahani, B.E.S. (offg.).	Urdu ..	No.		

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state, in view of the fact that the majority of the non-Bengali Indians in the higher services both in the teaching and inspecting staff appear to be Muhammadans, if no Bengali Muslims were available for these posts?

The Hon'ble Mr. H. S. SUHRAWARDY: These gentlemen were appointed a considerable time ago, and it is very difficult for anybody to state what was the condition of affairs at that particular time.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to be more explicit and be pleased to vouchsafe a clear reply that no Bengali Muslims were available for these posts?

The Hon'ble Mr. H. S. SUHRAWARDY: The hon'ble member himself is asking about something in the past, and it is very difficult at this stage to be able to say whether at the time when these gentlemen were appointed, there were suitable Bengali Muslim candidates available for the posts.

Mr. KAMINI KUMAR DUTTA: Even supposing that Bengali Muslims were not available, does the Hon'ble Minister mean to say that Bengali Hindus were also not available for these posts?

The Hon'ble Mr. H. S. SUHRAWARDY: I suppose these gentlemen were appointed for certain special posts, and Bengali Hindus I do not think would have filled those posts with efficiency.

Mr. KAMINI KUMAR DUTTA: Does the Hon'ble Minister mean to say that Bengal has gone to that state of things that neither Muslims nor Hindus were available for these posts?

The Hon'ble Mr. H. S. SUHRAWARDY: At the present moment the hon'ble member is talking in present tense. His previous questions related to the past.

Mr. KAMINI KUMAR DUTTA: I have still got the past in my mind.

The Hon'ble Mr. H. S. SUHRAWARDY: As I said, I am unable to say at this stage what was the condition of affairs in the past when these gentlemen were appointed. So far as the present is concerned, I believe that there is quite a sufficiency of Bengali Muslims and there is no reason for us to go outside the province except for special posts or any posts which require a very detailed knowledge of the language of Upper India.

Mr. KAMINI KUMAR DUTTA: Does the Hon'ble Minister mean to say that equipment in education in Bengal was of a lower standard than that of any other provinces in India—at that time when these appointments were made?

The Hon'ble Mr. H. S. SUHRAWARDY: Whether it was or not, surely this Government cannot be held responsible for the equipment of education at that period, and this Government will not take the responsibility for the appointments that were made at that time, and the considerations which affected the Government in making those appointments.

Mr. KAMINI KUMAR DUTTA: Does the Hon'ble Minister think it not necessary for any Government just to consider the contribution made by any community to the public revenue of the province before appointments are made?

Mr. PRESIDENT: The Hon'ble Minister has made it clear that they are not responsible for the action of the past Government. It is no good putting further questions.

Khan Bahadur KAZI ABDUR RASHID: Arising out of (*a*), will the Hon'ble Minister be pleased to state whether the future policy of the present Government will be to fill these higher posts in the Education Department of this province by Bengali Indians?

The Hon'ble Mr. H. S. SUHRAWARDY: I have no reason to doubt, Sir, that Bengali Indians are available in large numbers at the present moment for the various educational posts, and if Bengali Indians conform to the qualifications which are required, this Government will certainly appoint them.

Khan Bahadur ATAUR RAHMAN: Does the Hon'ble Minister think that it is necessary that the Inspecting Officers ought to know the language of the country or the mother-tongue of the province?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, it is certainly necessary, and that is the reason why they are required to pass an examination in the language of this province.

Khan Bahadur ATAUR RAHMAN: Is there any Inspecting Officer—of course I do not know who are the Inspecting Officers—is there any Inspecting Officer who has not yet passed the Bengali language?

The Hon'ble Mr. H. S. SUHRAWARDY: If the hon'ble member will see column (*d*), he will find there that it is definitely stated "No. 4 of the Inspecting Officers who is officiating will not be confirmed until she passes the Departmental Examination in Bengali".

Khan Bahadur ATAUR RAHMAN: I find that Khan Bahadur Mirza Abu Jaafar, Inspecting Officer—mother-tongue Urdu—and then column (*c*) whether he passed examination in Bengali—"No."

The Hon'ble Mr. H. S. SUHRAWARDY: I find it so too.

Khan Bahadur ATAUR RAHMAN: May I enquire from the Hon'ble Minister if he would also be required to pass the examination at this age?

The Hon'ble Mr. H. S. SUHRAWARDY: It is more than I can say. I would like to have notice on that question.

Telephone in the Baker Hostel.

167. Khan Sahib ABDUL HAMID CHOUDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) if it has been represented to him on several occasions that installation of a telephone in the Baker Hostel at Calcutta is a long-felt want;

(*b*) if it is a fact that the Hon'ble Minister assured the boarders about the installation of a telephone in the hostel without delay; and

(*c*) if the answers to (*a*) and (*b*) be in the affirmative, if any order has been passed to that effect; if not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) I promised to look into the matter.

(*c*) No.

Khan Sahib ABDUL HAMID CHOWDHURY: With reference to (*c*), will the Hon'ble Minister be pleased to state if his reply indicates the result of his promise to look into the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: The Hon'ble the Chief Minister is still looking into the matter.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state how long the Hon'ble the Chief Minister will be looking into the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: The hon'ble member should realise that the members of this Government are at the present moment so busy looking into other matters of greater importance that for some little time this matter will have to remain in the background.

Khan Bahadur ATAUR RAHMAN: May I give an advice gratis to the Hon'ble Minister that he can ask the Telephone Company——

Mr. PRESIDENT: Order, order., That is not a question.

The clerical staff of a District Inspector of Schools.

168. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the number of hands constituting the clerical staff of a District Inspector of Schools;

(*b*) whether the Sub-Inspectors of Schools at headquarters have not got to help the District Inspector in his office work; and

(*c*) whether Government has any scheme of strengthening the clerical staff of the District Inspector of Schools to let off the Sub-Inspectors of Schools to devote their time to their legitimate duties, and if so, when they are going to give effect to such a scheme?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) The District Inspector of Schools, 24-Parganas, has two clerks. Each of the remaining District Inspectors has one clerk.

(*b*) The Sub-Inspector of Schools at headquarters has to help the District Inspectors in their office work, particularly when the annual report is being prepared.

(*c*) So far as the existing Inspectorate is concerned there is no scheme for strengthening the clerical staff of the District Inspectors of Schools. A scheme for the reorganisation of the Inspectorate is, however, under the consideration of Government and this scheme includes provision for further clerical staff.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether or not it is a fact that on account of the heavy work in the office of the Sub-Inspector of Schools and the help which they render to the District Inspector of Schools, they find very little time to prepare bills for *tols* and *madrassahs* in time?

The Hon'ble Mr. H. S. SUHRAWARDY: I think it is not the case, Sir. The Sub-Inspector of Schools, when he is at the headquarters, assists the District Inspector. When he is out on tour, he does not assist him in his office work.

Rai KESHAB CHNADRA BANERJEE Bahadur: Is it not a fact that on account of this additional work involved, the teachers of *tols* and *madrassahs* suffer to a very great extent?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, I do not think so.

Orthodox madrassahs of the Noakhali district.

169. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the names of orthodox *madrassahs* (senior) of the Noakhali district which have been granted monthly grant from provincial revenues in the year 1938-39?

(*b*) Will the Hon'ble Minister please state the amount sanctioned by the Government for each of the orthodox senior *madrassahs* in the district of Noakhali?

(*c*) Will the Hon'ble Minister be pleased to state the principle followed in distributing these grants and on whose recommendations these grants have finally been distributed?

(*d*) Will the Hon'ble Minister be pleased to place on the table a statement showing the University results of these *madrassahs* during the last 4 years?

(*e*) Is the Hon'ble Minister aware of a feeling of resentment amongst the authorities of some *madrassahs* as the grants have not been made according to the efficiency of each *madrassah*?

(*f*) What steps does the Government propose to take to remove such feelings of grievances?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) and (*b*) A statement showing the names of the orthodox *madrassahs* in the Noakhali district and the amount of grant given to each of them in 1938-39 is placed on the table.

(*c*) Grants are distributed on the recommendations of the Divisional Inspector of Schools according to the principles laid down under the grant-in-aid rules but the rules are relaxed in the case of institutions situated in backward localities.

(*d*) *Madrassahs* of the old (orthodox) type are not under the University. Their examinations are conducted by the Board of Central Madrassah Examinations.

A statement showing the examination results of *madrassahs* in question during the last four years is placed on the table.

(*e*) No.

(*f*) The question does not arise.

Statement referred to in the replies to clauses (a) and (b) of question No. 169, showing the names of madrassahs in the district of Noakhali and the amount of grant given to each of them in 1938-39.

		Rs. Per mensem.
(1) Keramatia Senior Madrassah	...	50
(2) Islamia Senior Madrassah	...	50
(3) Raipura Senior Madrassah	...	50
(4) Basurhat Senior Madrassah	...	100
(5) Bhowaniganj Senior Madrassah	...	50
(6) Chaprasirhat Senior Madrassah	...	50
(7) Feni Senior Madrassah	...	100
(8) Sonagazi Senior Madrassah	...	50
(9) Bashiria Senior Madrassah, Sandwip	...	80

Statement referred to in the reply to clause (d) of question No. 169, showing results of Madrasahs in the Noakhali district.

Name of Madrasahs.	Fazil.					Alim.				
	No. sent up.	No. passed.				No. sent up.	No. passed.			
		1st.	2nd.	3rd.	Total.		1st.	2nd.	3rd.	Total.
1938.										
(1) Karamatia Senior Madrassah, Noakhali.	24	..	2	8	10	31	..	7	13	20
(2) Islamia Senior Madrassah, Noakhali.	31	..	4	18	22	26	..	3	7	10
(3) Bashiria Senior Madrassah, Noakhali.	3	..	..	1	1	10	..	1	4	5
(4) Feni Senior Madrassah, Noakhali.	6	..	2	4	6	9	..	4	4	8
(5) Raipura Madrassah, Noakhali	8	..	..	3	3	10	..	1	9	10
(6) Basurhat Madrassah, Noakhali	5	..	1	1	2	16	..	1	9	10
(7) Bhowaniganj Madrassah, Noakhali.	10	..	..	3	3	7	..	..	2	2
(8) Chaprasirhat Madrassah, Noakhali.	7	..	..	3	3	11	..	..	2	2
(9) Sonagazi Madrassah, Noakhali.	..	..		..	..	6	..	..	4	4
1937.										
(1) Karamatia Senior Madrassah, Noakhali.	24	..	..	13	13	23	..	5	7	12
(2) Islamia Senior Madrassah, Noakhali.	14	..	..	5	5	35	..	4	12	16
(3) Bashiria Senior Madrassah, Noakhali.	7	..	1	3	4	9	..	3	3	6
(4) Feni Senior Madrassah, Noakhali.	12	..	3	6	9	7	1	3	2	6
(5) Raipura Madrassah, Noakhali	9	..	..	2	2	10	..	2	5	7
(6) Basurhat Madrassah, Noakhali	6	..	..	2	2	18	..	2	5	7
(7) Bhowaniganj Madrassah, Noakhali.	9	..	..	4	4	8	..	..	3	3
(8) Chaprasirhat Madrassah, Noakhali.	10	..	..	2	2	4	..	..	3	3
(9) Sonagazi Madrassah, Noakhali	..	..	..	..	..	3	..	..	3	3
1936.										
(1) Karamatia Senior Madrassah, Noakhali.	16	..	2	4	6	25	..	6	7	13
(2) Islamia Senior Madrassah, Noakhali.	28	..	4	14	18	43	..	12	14	26
(3) Bashiria Senior Madrassah, Noakhali.	6	..	..	1	1	11	..	..	4	4
(4) Feni Senior Madrassah, Noakhali.	3	..	1	1	2	11	1	6	3	10
(5) Raipura Madrassah, Noakhali	11	..	..	3	3	13	..	1	3	4
(6) Basurhat Madrassah, Noakhali	6	..	..	5	5	22	..	2	6	8
(7) Bhowaniganj Madrassah, Noakhali.	7	..	..	3	3	17	..	..	6	6
(8) Chaprasirhat Madrassah, Noakhali.	4	..	1	2	3	11	..	3	6	9
(9) Sonagazi Madrassah, Noakhali	..	..	..	..	..	..	..	..	..	..

Name of Madrasahs.	Fazil.					Alim.				
	No. sent up.	No. passed.				No. sent up.	No. passed.			
		1st.	2nd.	3rd.	Total.		1st.	2nd.	3rd.	Total.
1935.										
(1) Karamatia Senior Madrassah, Noakhali.	20	..	3	1	4	29	3	6	10	19
(2) Islamia Senior Madrassah, Noakhali.	11	..	..	9	9	23	..	6	7	13
(3) Bashiria Senior Madrassah, Noakhali.	8	..	..	3	3	22	..	2	6	8
(4) Feni Senior Madrassah, Noakhali.	8	..	..	3	3	12	..	4	4	8
(5) Raipura Madrassah, Noakhali	6	..	1	1	2	10	..	1	3	4
(6) Basurhat Madrassah, Noakhali	12	..	..	7	7	16	1	2	12	15
(7) Bhowaniganj Madrassah, Noakhali.	6	..	..	2	2	11	..	2	5	7
(8) Chaprasirhat Madrassah, Noakhali.	5	..	..	3	3	10	..	..	6	6
(9) Sonagazi Madrassah, Noakhali	..	..	..	..	..	..	..	..	..	..

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister be pleased to state whether grant-in-aid has been accorded according to the principle laid down in grant-in-aid rules in reference to the statement laid down here?

The Hon'ble Mr. H. S. SUHRAWARDY: I think this has been sufficiently answered. The hon'ble member will see that these rules are usually followed, but the rules are relaxed in the case of institutions situated in backward localities.

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Sir, I would refer to the cases of Keramatia Senior Madrassah and Islamia Senior Madrassah, Noakhali, referred to in the statement where the principle has not been followed.

The Hon'ble Mr. H. S. SUHRAWARDY: The hon'ble member realizes that it is not possible for Government to keep detailed information with regard to these *madrassahs* that have been set out in the statement. If the hon'ble member desires to bring to the notice of the Government the case of any special *madrassah*, we shall be very glad to look into the matter.

Muhammadan Education Advisory Committee.

170. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if the Government has come to a final decision regarding the recommendations of

the Muhammadan Education Advisory Committee as embodied in its report published in 1934? If not, when will the Government publish the resolution on the recommendation of the said Committee?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the steps taken up to date to give effect to the various recommendations of the said Committee?

(*c*) Will the Hon'ble Minister be pleased to state why the resolution on the recommendation of the Committee has not yet been published?

(*d*) Will the Hon'ble Minister be pleased to take early steps to get the resolution, containing Government decision, published at an early date? If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes, with regard to most of the recommendations.

(*b*) A statement is laid on the table.

(*c*) The recommendations of the Committee cover the whole field of education, viz., primary, secondary, collegiate, madrassah, physical education, education of girls and creation of scholarships. Certain of the recommendations cannot be given effect to without the provision of extra funds, both recurring and non-recurring. Certain others are connected with schemes which affect all communities, or with the grant of concessions requiring the revision of rules and regulations, or amendment of Acts.

(*d*) It is proposed to issue a comprehensive resolution on the recommendations of the Committee as early as possible.

Statement referred to in the reply to clause (b) of question No. 170, showing effect given to the recommendations of the Muhammadan Education Advisory Committee.

Primary education.—The main recommendation of the Committee under this head is the introduction of free and compulsory primary education with provision for religious instruction. This is bound up with the enforcement of the Primary Education Act. District School Boards have been constituted in 15 districts and proposals for the constitution of such Boards in the remaining districts are under the consideration of Government.

The imposition of cess has already been enforced in three districts, and proposals for the imposition of cess in all districts are under the consideration of Government.

Secondary education.—The question of deprovincialisation of Government secondary schools, involving the deprovincialisation of Government Muslim high and middle schools, has been dropped.

Government have recently provided larger funds for grants-in-aid to secondary schools for boys. A portion of the money has been utilised in giving larger grants-in-aid to high and middle schools run by Muslims.

Collegiate and University education.—The percentage of free-studentships granted to Muslims in Government colleges has been raised.

The staff of the Islamia College has been strengthened.

The question of opening B. Com. classes in the Islamia College is bound up with the question of the expansion of the Islamia College which is at present under the consideration of Government.

Urdu has been prescribed as a second language for the Matriculation and B.A. examinations.

Provision has been made for the teaching of Arabic, Persian and Urdu in some of the Government Colleges including the Bethune College, where they did not exist previously.

The number of Muslim members of the Senate has been increased.

Madrassah education.—The intermediate classes attached to the Chittagong Madrassah have been made permanent.

Government have sanctioned a scheme for raising the Hooghly Madrassah to the status of an Intermediate College.

The Title classes in Fiqh and Usul attached to Calcutta Madrassah have been made permanent.

The question of the opening of Tibb classes in Calcutta Madrassah is under consideration.

Larger funds have been provided for grants-in-aid to high and junior *madrassahs.*

Funds have been provided for grants-in-aid to old scheme *madrassahs.*

Education of Muslim girls.—The Sakhawat Memorial Girls' High School has been provincialised.

Special provision has been made for grants-in-aid to girls' junior *madrassahs.*

The entire amount set free by the abolition of Zenana System of Education has been devoted to the improvement of education of Muslim girls and women.

A hostel has been attached to the Sakhawat Memorial Girls' High School.

Provision has been made for the teaching of Arabic and Persian in all Government high schools for girls.

In the matter of collegiate education Government have done more than what has been recommended by the Committee. They have sanctioned a scheme for the establishment of a Purdah College for Muslim

girls in Calcutta and decided to attach a hostel thereto for Muslim girls.

Scholarships.—Government have made liberal provision for scholarships for Muslim boys and girls in secondary and collegiate stages of education.

Appointment.—In the matter of appointment of Muslims in the Educational Services, Government have already fixed 33·3 per cent. of the total number of appointment in the Bengal Senior Educational Service, and 40 per cent. of the total number of appointments in the Bengal Educational Service. The question of reserving 50 per cent. of the Subordinate Educational Service appointments for Muslims is under consideration.

Text-Book Committee.—One of the two clerks is a Muslim. The Secretary of the Text-Book Committee is a Muslim. About 40 per cent. of the members of the Text-Book Committee are Muslims.

Physical education.—All Government *madrassahs* have been provided with Physical Instructors.

In Government high schools the percentage of Muslim Physical Instructors is being increased.

A large number of Muslim graduates are being admitted to the Government Physcial Training Centre for training.

Steps have been taken to appoint a Muslim as Assistant Physical Director. One of the three teachers of the Physical Training Centre and one of the two of the clerks are Muslims.

A statement showing details of capital and recurring expenditure involved in the schemes already sanctioned is appended:—

List of schemes already sanctioned by Government.

Item.	Ultimate expenditure.	
	Recurring.	Non-recurring.
	Rs.	Rs.
1. Creation of four posts of Arabic and Persian teachers for four Government Girls' School ..	4,000	..
2. Grants-in-aid to two Muslim Girls' M. E. Schools ..	4,080	..
3. Maintenance grants to madrassahs:—		
Girls' junior madrassahs ..	2,400 +5,000	2,600
High madrassahs for boys	17,000	
All reformed madrassahs	1,69,938	..
Old scheme madrassahs	30,000	..

	Item.	Ultimate expenditure. Recurring.	Non-recurring.
		Rs.	Rs.
4.	Creation of scholarships for Muslim girls in schools, colleges and madrassahs	6,120 +3,960 +2,760	.. .. ..
5.	Provincialisation of Sakhawat Memorial High School	55,000	..
6.	Creation of Science stipends for Muslim students ..	20,640	..
7.	Permanent retention of Intermediate classes attached to Chittagong Madrassah	12,900	..
8.	Permanent retention of one of the posts of Lecturers and of 2 scholarships in the Title classes in Fiqh and Usul in Calcutta Madrassah	3,012	..
9.	Creation of the post of a temporary Lecturer in Urdu for Chittagong College	1,500	..
10.	Creation of two posts of Second Maulvis in Darjeeling Government High School and Jessore Zilla School	1,726	..
11.	Creation of two State scholarships for Muslim students	23,538 +6,454	..
12.	Creation of 11 additional stipends for girl students of Muslim Female Training School, Calcutta ..	1,980	..
13.	Creation of the post of an additional teacher for Muslim Female Training School	1,452	..
14.	Creation of an additional post in the B. E. S. and conversion of two S. E. S. posts one into B. S. E. S. and the other into B. E. S., for improvement of efficiency of the Islamia College, Calcutta ..	13,300	..
15.	Creation of four posts of Physical Instructors for Government madrasahs	5,760	..
16.	Provision of scholarships for Muslim students ..	12,240 +50,000 +60,000	..
17.	Building and furniture grants to madrassahs ..	25,000	10,687 +4,271
18.	Capital grants to Gulzar Begum Girls' Middle English School	..	1,637 +308
19.	Capital grant to Suri Girls' Maktab	..	10,000
20.	Additional maintenance grants to non-Government maktabs in Municipal areas	3,000	..
21.	Creation of the post of a Lecturer in Arabic for Hooghly Mohsin College	3,500	..

	Item.	Ultimate expenditure. Recurring.	Non-recurring.
		Rs.	Rs.
22.	Purchase of two buses for Sakhawat Memorial High School	..	8,536
23.	Capital grant to Calcutta Muhammadan Orphanage	..	25,000
24.	Appointment of a Professor of Mathematics at Islamia College, Calcutta	5,529	..
25.	Additional grant for conveyance charges of Moslem Female Training School	..	600
26.	Appointment of a Durwan for the Muslim Hostel attached to Chittagong College	181	..
27.	Appointment of a part-time Lecturer in Urdu at the Government Commercial Institute, Calcutta	..	900
28.	Temporary post of part-time Lecturer in Bengali at the Islamia College	..	900
29.	Appointment of a Teacher in Arabic in Sakhawat Memorial High School	1,436	..
30.	Revision of the scales of pay of certain teachers of Rajshahi Madrassah	540	..
31.	Increase in the allotment for boarding charges in the hostel attached to Rajshahi Madrassah ..	472	..
32.	Appointment of an additional teacher in Armanitola Government High School, Dacca ..	1,436	..
33.	Special non-recurring grant for the purchase of library books for Islamia College, Calcutta ..	..	10,000
34.	Creation of a post of Durwan for Hooghly Madrassah	184	..
35.	Grant to the Brojo Mohan College, Barisal, for the construction of two Muslim hostels	..	29,660
36.	Strengthening of the teaching staff in English of the College classes attached to Chittagong Madrassah	..	4,500
37.	Capital grant towards the construction of a room in the Muslim hostel attached to the Daulatpur Hindu Academy for holding Arabic and Persian classes	..	1,847
38.	Creation of a post of temporary Inspecting Maulvi, Calcutta	..	420
39.	Provision for the teaching of Arabic, Persian and Urdu in the Bethune College, Calcutta ..	..	4,500
	Provision for the purchase of books ..	..	1,200
40.	Establishment of Intermediate classes in the Hooghly Madrassah	21,201	1,000
41.	Creation of a post of an additional teacher in Muslim Female Training School, Calcutta ..	1,452	..

Item.	Ultimate expenditure. Recurring.	Non-recurring.
	Rs.	Rs.
42. Creation of a post of Lecturer in Urdu for Hooghly Mohsin College	..	3,000
43. Additional provision for scholarships for Muslim students of Ahsanullah School of Engineering ..	3,600	..
44. Affiliation of the Islamia College in Geography ..	6,436	5,000
45. Grant to Dacca University for the construction of an additional Muslim Hall	..	2,50,000
46. Provision of electric fans in the Woodburn M. E. School, Calcutta	..	995
47. Additional bus charges of Sabhawat Memorial High School	4,080	..
48. Building grant to Sir Salimullah Muslim Orphanage, Dacca	..	12,000
49. Establishment of a Purdah College, Calcutta—		
Land and buildings	..	11,81,400
Furniture and equipment	..	1,12,000
Staff, etc.	1,39,000	..
House rent (for two years)	..	21,600
Total ..	7,31,807	17,04,561

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state on what particular date this comprehensive resolution as mentioned in answer to (*d*) will be published by Government?

The Hon'ble Mr. H. S. SUHRAWARDY: That is very difficult to answer, Sir. As soon as the Hon'ble the Chief Minister will have a little breathing space, it will be done.

Khan Bahadur ATAUR RAHMAN: With reference to item No. 49 in the list, page 12, "Establishment of a Purdah College," is that also on recommendation of this Advisory Committee, and is that name also recommended by that, or is the name going to be something different from "purdah"?

The Hon'ble Mr. H. S. SUHRAWARDY: The name has not been so recommended. I understand it is in contemplation to change the name.

Khan Bahadur ATAUR RAHMAN: May I enquire if this item of about 13 lakhs out of 17 lakhs is meant for the Purdah College

alone? Is that entirely for Muslim education or for general education?

The Hon'ble Mr. H. S. SUHRAWARDY: It is not entirely for Muslim education; girls of other denominations also will be entitled to study in that college.

Khan Bahadur ATAUR RAHMAN: How is it then that it has been shown under the head "Muhammadan Education"?

The Hon'ble Mr. H. S. SUHRAWARDY: I think, Sir, that is a very reasonable question to ask. It is, of course, meant mainly for Muslim girls, because the college will fulfil the wants of Muslim girls in the matter of higher education. Girls of other denominations have other colleges, but it is not proposed to close this college to girls of other denominations. Moreover, I understand that, so far as hostel accommodation is concerned, it will be confined to Muslim girls only: at any rate, that is the present idea of Government in the matter.

Khan Bahadur ATAUR RAHMAN: Is it not then a mere camouflage to say that this item is meant exclusively for the cost of Muslim education alone? Will the Hon'ble Minister be pleased to clear up this point? Why should this matter then not be put under general education? In the Medical College three-fourths of the boys are Hindus and only one-fourth are Muhammadans. On that score, we cannot say that that is a Hindu college. The same argument should apply in this case also.

The Hon'ble Mr. H. S. SUHRAWARDY: That is really a matter of accounting and allocation of grants to the different communities. May I submit that it really does not matter whether it is put under class (*a*) or class (*b*), unless there is a communal question raised with regard to it. And if this Purdah College fulfils the wants of both these communities, perhaps it is just as well that the college should be established whether it is put down under Moslem education or Hindu education.

Muslim Advisory Committee (Momen Committee).

171. Khan Bahadur KAZI ABDUR RASHID: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state what action, if any, has been taken on the recommendations of the Muslim Advisory Committee (Momen Committee) to the effect—

(*i*) that the primary and *madrassah* education should be co-ordinated; and

(*ii*) that the *muktabs* may be abolished only if religious instruction be made compulsory for Muslim boys?

(*b*) Is the Hon'ble Minister aware of the serious position created for junior *madrassahs* and also the junior sections of senior *madrassahs* by the introduction of free primary education?

(*c*) What solution, if any, has the Education Department evolved to meet the situation?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) The curricula for primary schools and *muktabs* have been co-ordinated, and a revised syllabus for primary schools has already been published by Government. This revised syllabus will came into force in all primary schools and *muktabs* from January, 1941. Revision of the junior *madrassah* curriculum has been taken up, and a revised syllabus will be prepared in time, so that it may also come into force from January, 1941.

(*ii*) There is no question of abolishing the *muktabs*. The revised curriculum provides for religious instruction for all communities in primary schools.

(*b*) and (*c*) Yes. Necessary steps have been taken to meet the situation. In a district where free primary education has been introduced, the lower classes (primary or *muktab* classes) of high and senior and junior *madrassahs* have been allowed to be run free. They are given suitable aid for these classes from the District School Board Fund. Extra grants may also be given for the maintenance of high and senior *madrassah* classes and the two top classes of junior *madrassahs* to compensate the loss of income from fees, where necessary.

Khan Bahadur KAZI ABDUR RASHID: Arising out of answer (*a*), does not the Hon'ble Minister think it desirable that if there is a separate curriculum for *muktabs* which is repugnant to Islamic ideas and sentiments, it should be deleted?

The Hon'ble Mr. H. S. SUHRAWARDY: I should think that any curriculum which is repugnant to Islamic ideas and sentiments should be eliminated from all schools whether they are *muktabs* or otherwise.

Khan Bahadur KAZI ABDUR RASHID: Is not the Hon'ble Minister aware at present there are over 30 lakhs of pupils receiving instructions in the *muktabs*, and if these *muktabs* are abolished or merged into primary schools, there will be a great setback to the cause of Muslim education in this province?

The Hon'ble Mr. H. S. SUHRAWARDY: The hon'ble member will please note that in this answer there is no question of the "abolition" of *muktabs*.

Khan Bahadur KAZY ABDUR RASHID: But, Sir, there are the words "merged into primary schools."

The Hon'ble Mr. H. S. SUHRAWARDY: If some of these *muktabs* are merged into primary schools, I do not think it will harm the Muslim community, as similar education is imparted in the primary schools, and the needs and requirements of the Muslim community for religious instruction and for their culture will be met through these primary schools.

Khan Bahadur KAZI ABDUR RASHID: Does the Hon'ble Minister think it desirable to retain *muktabs* as they are as a separate unit?

The Hon'ble Mr. H. S. SUHRAWARDY: I believe that so far as the present policy is concerned, the *muktabs* will continue to exist.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answer (*b*), has it been decided that the reading of the Quoran will be a compulsory subject in the free primary schools?

The Hon'ble Mr. H. S. SUHRAWARDY: That is more than I can say; I can only say that the revised syllabus will come into force in all primary schools and *muktabs* in January, 1941. I can give my own views on the subject, but I think that for the answer to be more authoritative, I should like to have notice.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It was stated that provision for religious education had been made for all students. Am I to understand that in that provision there was also a provision for the reading of the Quoran?

The Hon'ble Mr. H. S. SUHRAWARDY: As I have said, Sir, in order to be more authoritative, I should like to have notice of this question.

Adjournment Motion.

Mr. PRESIDENT: Order, order. The Chair has received notice of a motion from Mr. Nur Ahmed which runs thus:—

"I move that the business of the Council be adjourned to discuss the following definite matter of urgent public importance, namely, the new British proposals regarding Palestine as contained in a White Paper issued in London on the 17th May."

As under section 105(r) read with section 92(*1*)(*i*), our Rules and Standing Orders, the previous sanction of the Governor is considered to be necessary before such a motion can be admitted, I directed the Secretary to the Council to send a wire. The following wire was sent:—

"Mr. Nur Ahmed gives notice of adjournment motion to discuss new British proposals contained in a White Paper issued on the 17th May. In President's opinion the motion requires Governor's previous consent under section 92 (*1*) (*i*) of the Council Rules and Standing Orders. Please wire Governor's order."

The following reply has been received to that wire:—

"His Excellency's consent is not forthcoming to the proposed adjournment motion regarding Palestine."

The Calcutta Municipal (Amendment) Bill, 1939.

Mr. PRESIDENT: Mr. Nalini Ranjan Sarker?

The Hon'ble Mr. H. S. SUHRAWARDY: With your leave, Sir, and in the absence of the Hon'ble the Nawab Bahadur of Dacca, the Minister in charge of this Bill, may I have the liberty to move on his behalf that the Calcutta Municipal (Amendment) Bill, 1939, be taken into consideration?

Mr. HUMAYUN KABIR: On a point of information, Sir. Was it not stated the other day that this Bill would be moved by the Hon'ble Mr. Nalini Ranjan Sarker?

Mr. PRESIDENT: Will the Hon'ble Mr. Suhrawardy please refer to section 83 of our Rules and Standing Orders where it is laid down: "On the day on which the motion is set down in the list of business

which shall, unless the President otherwise directs, be not less than 7 days from the receipt of the notice, the member giving notice may move that the Bill be taken into consideration." So, I rule that the Honble Minister who has given notice of the Bill, will have to move that the Bill be taken into consideration. Of course, Government has got full discretion to ask any of its Ministers to speak on or reply to the motions, but once notice has been given on the floor of the House by a Minister, it will not be open to the Government to change its mind as to who is to be in charge of the Bill.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1939, as passed by the Assembly on the 11th May, 1939, be taken into consideration.

Mr. LALIT CHANDRA DAS: I rise on a point of order, Sir.

Mr. PRESIDENT: Order, order. Let me first put the motion before the House.

Motion moved: That the Calcutta Municipal (Amendment) Bill, 1939, as passed by the Assembly on the 11th May, 1939, be taken into consideration.

Mr. PRESIDENT: Mr. Lalit Chandra Das?

Mr. LALIT CHANDRA DAS: I want to oppose the consideration of the Bill.

Mr. PRESIDENT: There are several amendments to the consideration motion. And after they have been moved, you may speak on them.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I rise on a point of order, Sir.

Mr. PRESIDENT: Let Mr. Das finish his point of order, first. What is your point of order, Mr. Das?

Mr. LALIT CHANDRA DAS: Sir, I rise to oppose the whole question of the consideration of the Bill.

Mr. PRESIDENT: Order, order. You can do so afterwards, when all the amendments are moved. Besides, that is not a point of order at all.

The Hon'ble Khwaja Sir NAZIMUDDIN: What I would like to know is whether if this consideration motion is carried, you will permit the clauses of the Bill to be taken up immediately after?

Mr. PRESIDENT: I am not going to answer a hypothetical question. When the occasion arises, I shall see what is to be done. Mr. Lalit Chandra Das, you may now raise your point of order.

Mr. LALIT CHANDRA DAS: Mine is not strictly a point of order, Sir, but I rise to oppose the consideration of the Bill.

* * *

Mr. PRESIDENT: Order, order. There are some amendments, as I have already said, aiming at circulation of the Bill and referring it to a Select Committee. Let the amendments be moved first of all and then the main motion together with the amendments will be open to discussion.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Under Rule 86——

Mr. PRESIDENT: Dr. Radha Kumud Mookerji will now move his amendment.

Dr. RADHA KUMUD MOOKERJI: Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

Sir, in moving this amendment I wish to state at the outset that it is not my purpose on the present occasion to offer opposition for the sake of opposition. I honestly believe that not merely is this matter of the Bill very, very contentious and objectionable, but I also believe that the manner in which this Bill is being proceeded with is open to serious objection. The most serious objection will be to the procedure followed by Government in carriyng through this measure which has aroused so much public controversy. This procedure is open to the gravest objection that the Government has not shown the common courtesy of consulting such a very august body as the Corporation of Calcutta even in regard to the provisions of a Bill which is meant to affect radically the very structure of the Corporation. I do not think there can be any precedent for this kind of unheard-of procedure under which the Corporation of Calcutta with its resources equalling those of some of the sister provinces of British India, the Corporation of Calcutta which in its resources is as important as the Assam Government for instance, has not been consulted on a measure aimed against

it. This Government is trying to force through the Legislature a measure which will radically affect the very constitution of the Corporation without showing the scent of courtesy of consulting the Corporation. Well, if this procedure is followed without any check, we shall have very soon to face other legislative atrocities. Perhaps some day, the Government will be in a mood to introduce an educational measure for reconstructing the Calcutta University without consulting the University itself. Is this a principle of public life and is this a principle which the Legislature can tolerate? Now, I have said that not merely is the manner in which the Bill is being proceeded with objectionable, but the matter of it is far more objectionable, and I want to discuss the objectionable features of the Bill plainly on the basis of facts and figures. I do not like to indulge in an expression of my individual opinion. I have too great a regard for the valuable time of this House and I do not like to waste it on mere platitudes or expressions of opinion. But before I really dilate on the objectionable features of the Bill, my amendment seeks only to obviate all these evils in advance by asking the Government to agree to my proposal that this very contentious measure should at least be given a full consideration by the public and especially the Corporation of Calcutta. That I am not obstructing will be evident from the fact that in my motion for amendment I have strictly limited the time to be allowed for the expression of public opinion. That time is barely one month, and I believe that the Government themselves will agree with me that this time-limit is not at all very long and that this time-limit is only fair in view of the issues and the considerations involved. Now, Sir, I should like to dilate on the serious objectionable features embodied in this Bill, and I shall only speak on the basis of facts and figures. In my humble opinion without the least intention to lend myself to any kind of communalism—I have to speak under a good deal of restraint—I know that I have a duty as a member of the Opposition to offer my opposition to the Bill on account of the objectionable features. I also do not at all feel perturbed at the idea that I have to face here a hostile House, which has already perhaps made up its mind by taking the cue from another House, but I believe that the Upper House will not be open to this charge that its mind will be framed by what goes on in another place. I hope the Upper House has still an open mind on the question, and it is to that better mind of the Council that I shall make my appeal, because I believe that this Upper House will be swayed only by reason and not by passion or party politics. Now, I hope all members of the Council will agree that this municipal measure results in one outstanding consequence, namely, this, that it seeks to reduce the power of the Hindus, the power of a particular community, in the city's administration. I want every one of my friends to consider this proposition and to subscribe to the view that I am placing before them all with due respect on the basis of

mere facts and figures you will be forced only to one conclusion, namely this, that this particular Municipal Bill is really aimed at punishing a particular community. It is a sort of penal measure for a particular community, and which community? A community that deserved well of the city; a community that has built up the city of Calcutta —and of course I cannot claim that this city of Calcutta is entirely and exclusively the creation of the Hindus, I should think that it is the creation of a joint Hindu-British enterprise in industry, commerce and shipping. I am quite prepared to give my full value to the contributions made by the great European community of Calcutta in building up this city. It was Lord Curzon who always used to enthuse over this aspect of the question when he was opposing tooth and nail the transfer of capital from Calcutta to Delhi. Now what are the facts? What is the measure of the sacrifice of this condemned Hindu community towards the building of this city? In the first place they make up about 70 per cent. of its population. They, of all communities, cling most tenaciously to Calcutta as the place which they have built up by their sacrifice. It is not merely inhabiting, it is not merely settling down in Calcutta as its citizens;—it is paying for the upkeep of Calcutta on the most modern lines, it is paying adequately for the amenities of what a modern city administration should offer. I have calculated that the Hindu community of Calcutta is responsible for as much as 82 per cent. of the total revenue of this city from rates and taxes, and what is the treatment allotted to them? Our great friends here, I am afraid, do not really belong to Calcutta. They are yet to develop that love of Calcutta which alone can make of the city a model city according to modern standards. I do not like to measure these things in terms of mere words. I want sentiments to be measured in terms of pounds, shillings and pence. The Muslim community of Calcutta makes up 24 per cent. of the Calcutta's population. On the present occasion I wish with due deference to the Minister concerned to make a correction of his figures. The Hon'ble Nawab Bahadur of Dacca has stated that the Muhammadan population is about 26 per cent. of the total city's population. I am afraid he has not made a correct——

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Where has Nawab Bahadur stated it?

Dr. RADHA KUMUD MOOKERJI: He has stated that in speeches in another place.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not correct.

Dr. RADHA KUMUD MOOKERJI: Even if he has stated that it is less than 26 per cent., that is not correct. He did make a statement——

Mr. PRESIDENT: Order, order. Dr. Mookerji, continue your speech.

Dr. RADHA KUMUD MOOKERJI: The Nawab Bahadur of Dacca has forgotten to consider that the floating population on the banks of the Hooghly on its ships and boats do not form an intergral part of Calcutta's population. The Nawab Bahadur of Dacca has not allowed for the further fact that the Municipality of Garden Reach has now separated itself with all its population from the city of Calcutta. Therefore, considering strictly the limits of Municipal Calcutta, I have made the calculation—and I am speaking subject to correction by the Government's departmental experts—I have made the calculation that the percentage of the Muhammadan population of the city is somewhere near 23·8 per cent., let us say 24 per cent., as against 70 per cent of the Hindus, Europeans and Anglo-Indians making up the rest, about 6 to 7 per cent. But I am absolutely reluctant to take my stand merely on the basis of number, merely on the basis of counting of heads. I hate this political practice which has been going on in India by constructing a constitution merely on the basis of counting of heads, counting of infant heads and not even counting of adult heads. Mere number or quantity won't do for the framing of a constitution. The qualitative aspect of the matter has to be seriously considered. You cannot eternally separate representation from taxation. You know what happened in history when this doctrine was pushed too far by British Imperialism. The slogan of "no representation", no taxation, that is a very important dictum of history which has led to far-reaching consequences. It led to the emergence of the United States of America in world's history. I pray that this policy of divorcing representation from taxation should not be carried too far. My community has been smarting under a sense of fundamental wrong done to them by the Constitution Act and the Communal Award upon which it is based. What are the facts of the provincial situation? The Hindus supply 12 annas of the provincial revenue and they have been given 6 annas of control. (Khan Bahadur NAZIRUDDIN AHMAD: What about adult franchise?) Well, I am coming to that. If our goal is adult franchise, I should say claim an adult census and you will see that even in the matter of counting of heads, the Hindus cannot be called numerically even a minority. However that be, my point is this that representation cannot be separated entirely from taxation. Now, this great Muslim community which makes up about 24 per cent. of the city's population is responsible only for 5 per cent. of the total rates and taxes. That is the next situation.

Now, the Corporation in 1923—I mention 1923 because it was the starting point of the present democratic constitution for the city of Calcutta—what were the authors of the legislation in 1923 doing in the Government? They thought that the best principle of representation in the city Corporation would be to fix representation on the basis of the mean of three factors. What are these three factors? Number, vote and tax, and the legislators of those days who were led by no less a person than the late Sir Surendra Nath Banarjee, they rightly came to this very fair conclusion that representation in the city's Corporation should be on the basis of the mean of these three factors, that is, a community must first of all be considered in regard to its number, then it will have to be considered how far the community is strong as rate-payers, and similarly the voting competence of the community concerned should also be assessed. Now, I find that if we apply this principle of representation, this application of the mean of the three factors in the case of the great Muslim community, then in point of number they come up to 24 per cent., as rate-payers of the city they are 5 per cent. and as regards their voting strength they come to 13 per cent. Taking then the matter of these seats, the Government of the day thought that the Muslim community would be entitled to about 9 or 10 seats out of the total number of seats allotted to the Corporation. But when this democratic constitution was being duly considered in all its aspects, the Hon'ble Minister concerned was very, very anxious to conciliate Muslim opinion by treating their claims as generously as possible. He did not take his stand on mere arithmetical or mathematical consideration? He took his stand upon a higher human consideration, and why? Because, Mr. R. H. L. Langford James—the ancestor of the present group of our legislative friends on the other side—it was due to the statesmanship of Mr. Langford James that a compromise was effected on this very contentious question. Sir, the Muhammadans demanded separate electorate. Sir Surendra Nath Banerjea was opposed on principle to the grant of separate electorate and therefore there was need for a compromise on this fundamental question, and a compromise was effected. This compromise was negotiated by Mr. Langford James. The compromise was that the Corporation of Calcutta should allow three successive general elections to be held on the basis of separate electorate which should be regarded as a transitory evil which must pass away in time, so that it might not be recognised as a permanent evil by being given a permanent place in the constitution. On the basis of this bait thrown out by Mr. Langford James, there was effected an honourable compromise and in those days if you read and re-read carefully the proceedings of the Legislative Council, you will be forced to the conclusion that the pact which was negotiated by Mr. Langford James was a solemn treaty entered into by all the legislators of those days, Hindu and Muhammadan, as constituting a permanent solution of the communal problem so far as it

affected the Corporation of Calcutta. And therefore Sir Surendra Nath Banerjea was induced with great enthusiasm to accept this compromise, although he was bitterly criticised by the Nationalist Press of Bengal in those days as having given in on a question of principle. But, for the sake of peace and for the sake of higher considerations affecting the welfare of both the communities who had to live together in this city, he thought that he must accept the compromise. Therefore, it was agreed that separate electorates must expire automatically, as a necessary evil after nine years. And Sir Surendra Nath Banerjea at once gave his recognition to this statesmanship shown by the Muhammadan community of those days by raising the number of Muhammadan seats from what was their legal due, namely, from 10 to 15, at once. Therefore, please remember that on the basis of separate electorate, the Muhammadans have already been given weightage and they have received 15 seats. Then, history rolls on and we come to another landmark in the history of municipal legislation, that is the year 1933 when we come to a new regime based on joint electorates. The Minister of the day was Sir Bijoy Prasad Singh Roy and it was for him to inaugurate this new regime on the basis of the joint electorate. But this hero of the hour—I am sorry to miss him to-day—shall I say, the villain of the piece?—outdid Sir Surendra Nath Banerjea in his appreciation and zeal for joint electorate and how did he show his zeal—by at once raising the number of Muhammadan seats from 15 to 19. He made a gift of 4 extra seats to the Muslim community on the ground that joint electorate had come to stay. In order to signalise this remarkable achievement in the politics of Bengal, this grant of 4 extra seats was given to the Muhammadan community. Now, what do we find in 1939? The situation that confronts us now is most disappointing and gloomy. On the one hand, I find on my left our esteemed friends of the European group prepared to go back upon the principles of that magnificent compromise which was negotiated by their spiritual ancestor, Mr. Langford James. I ask them in all humility: Is it open to them to go back upon those great principles? Is it open to them to back out of the pact which the European community themselves arranged as a sort of arbitrator between the two communities? I should say that it is not open to them so far as they are concerned to back out of the pact negotiated by their ancestor to-day, and I wish they were more loyal to their past history.

Now, Sir, I turn to my Muhammadan friends. Let me ask them and pray to them in all humility: Have you really got any case by which you can claim 22 seats now in 1939, at the same time forgetting that even the 19 seats of the last Corporation were given on the basis of a joint electorate? Is it open to you to go back to separate electorate and not to go back to the number of seats that were coupled with the separate electorate? If they want to go back to the old state of things, let them also, in all fairness, go back to the number

of seats that were given as an integral part of that scheme. You cannot have one thing one way and shape other things in your own way. I therefore say that to-day in 1939, you are violating the principle of that "permanent settlement," a word which I have advisedly used, though I think that nothing can be made permanent here. While therefore, I say that our Moslem brethren have cast to the winds this stable compromise with the help perhaps of my friends of the European group, I still pray that they will bring to this question an unbiassed mind fully recalling what was done for them by their past representative in the year 1933. I say that it is not quite fair to claim 22 seats while you do not abide by the joint electorate. And what is the result now? In 1939, the Hindu community who constituted a clear majority in the past Corporations has been reduced to a minority. The Hindus as such have been given only 45 seats in a total of 93 seats, and I hope the members of the Council have sufficient knowledge of arithmetic to understand what this number means; it means that a community that forms 70 per cent. of the city's population, a community that contributes in rates and taxes 82 per cent. of the city's revenue, a community whose voting strength also is not inconsiderable—I cannot exactly find at the moment what is their voting strength readily, but I wish my Muhammadan friends would help me with facts. (The Hon'ble Khwaja Sir NAZIMUDDIN: Who can help if you distort facts and make misrepresentation?) I should say that on the basis of the population strength and voting strength and their contribution to the city's finances on all these grounds, this community has been reduced to the impotent position of a minority by being allotted only 45 seats in a House of 93. I ask my friends to say openly and in an outspoken manner that they believe in treating this particular community in this manner. If they do so conscientiously, then I can quite understand the position. But let there be no delusion about that. Do not say that you have given the Hindus still some kind of a majority where there is none. I do not like you to argue on those lines. Let us face the facts as they are. Now, I say that it is not quite fair to the Hindus and therefore something must be done. I do not want just now to move any particular amendment, but I should like only to state that there must be some way found so that some justice may be done to the great Hindu community as regards this fundamental matter. You say that separate electorate has been discarded by my Muhammadan friends because they no longer believe in it. Sir, I was very much moved by the eloquence of my friend Mr. Kader Baksh the other day. Perhaps he thought that he had been challenged. He was so vehement in his expression of opinion that he had trusted the Hindus so far and now he thinks that the Muslims must separate from the Hindus by means of the separate electorate. Of course, violent combinations cannot be achieved. If our friends agree to separate, we have nothing to say to them. But my

friend must understand the consequences of this separatist movement. You cannot separate when it is convenient for you to do so. If you must separate from the Hindus at elections, if you must separate from the Hindus in the Legislature and sit in a block of your own with your own allotted number of seats, then please do not stand half-way on this principle of separation. Give full effect to separatism for the sake of better unity in future. Let us separate in education, and in all other national affairs, and above all, let there also be a parting as regards our respective purses. Let there be a complete scheme of partition of this country between the two communities. This will be the consequence of their separatism. It will not do for you to conveniently separate and then to unite with Hindus for the sake of the purse. It will ultimately result in the creation of certain separate zones in the country which are already being advocated by some Muhammadan statesmen. But perhaps your own movement towards separatism will ultimately result in the creation of a Hindu Bengal and a Muhammadan Bengal on the basis of the proceeds of the taxes paid by the two separate communities, or there may be a separation in education on the ground that religious education is not common to both the communities. If you say that you cannot trust the Hindus in the simple matter of election, if you say that Mahatma Gandhi is not competent or eligible to vote for Maulana Abul Kalam Azad, you make the democratic constitution a farce by your own confession. What are you doing by separate electorates? You are disenfranchising the Indians, you are conferring franchise not on Indians, but on those who separate as Hindus, Muhammadans, Christians, Jews, Parsees, and so forth. This is not general electorate. Therefore, I say that we would have no entrance to the Legislature as Indians but simple as belonging to a particular community. Therefore, should you as a great community which has always respected the ideals of democracy and brotherhood, should you, as Mr. Kader Baksh so eloquently said the other day, not trust us even at elections to the Legislature? But if you want seats separately in the Legislature, then you are embarking upon a scheme of partition which must be complete in all the stages in fairness to the other community. The fact is that you were really transferring power over the city's administration to a community that has not yet taken kindly to the city itself. I should think that the vast bulk of the city's Muslim population lives in the slums and *bustees* and contributes very little to its exchequer. Taking the entire population of the city, the tax per head amounts to about Rs. 4 per annum for the average Calcutta citizen, but in the case of Muslims the taxation per head is only about 14 annas. In other words, a Muslim rate-payer pays only a fifth of what the average Calcutta rate-payer has to contribute to the Corporation. Sir, I am not stating this in any spirit of ill-will. I say this, please combine for a joint electorate. Do not separate in the civic sphere.

Now, this administration is being assailed on many grounds—the present administration of the Corporation of Calcutta. But I wish to give facts and figures to show that even this present administration——

Mr. KADER BAKSH: On a point of order, Sir. The question before the House is that the Calcutta Municipal (Amendment) Bill be taken into consideration. It is not the question of separate electorates that is before the House——.

Mr. PRESIDENT: Order, order. What is your point of order? No argument is necessary.

Mr. KADER BAKSH: Sir, we are not dealing with the question——.

Mr. PRESIDENT: Order, order. What is the point that you ask me to decide?

Mr. KADER BAKSH: Sir, my point is this. I want to know whether the question before the House which you have allowed to be discussed is the question regarding the Municipal Bill or separate electorates which may be discussed in all aspects?

Mr. PRESIDENT: Order, order. I like to make it clear to the House that on rising to a point of order the member will first state the point. No argument is necessary. If any argument is necessary, I shall ask him to sustain his point by arguments.

Mr. HAMIDUL HUQ CHOWDHURY: May I rise on a point of order?

Mr. PRESIDENT: Order, order. One point of order is already before the House.

Mr. KADER BAKSH: The question of separate electorates is not the question before the House.

Mr. PRESIDENT: That is not a point of order.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, my point is, on a motion of circulation, can the whole principle and details of the Bill be discussed?

Mr. PRESIDENT: Order, order. That is a very important point. As I have said, I shall place before the House two questions: one motion about the Bill being taken into consideration and the other about its circulation. I shall not allow Dr. Mookerji to make another speech on the other motion. I have made it perfectly clear that both the motion and the amendment will be before the House and every member will be allowed to speak on both the motions.

Dr. RADHA KUMUD MOOKERJI: Sir, the city's administration has been assailed on many grounds. I wish now to traverse these grounds. The city has been treating its Muslim population very generously, I should say all along the line. While the average number of voters per seat in the General Constituency is 1,041 that of Muslims is only 457. Is this not generosity? You have one kind of franchise for one community, the majority community, and another kind of franchise for the sake of the Muslim community in the same city. You have no uniform system of franchise, lest mathematical uniformity works sociological havoc and therefore the city is justified in lowering the franchise for the Muslims. Thus, although the Muslim pays only a fifth of the rates, the franchise is twice as liberal for the Muslim ratepayers.

I now turn to the ticklish question of the place given to the Muslims in the city's administration. Against a total of 4,983 employees in the city in the Corporation service, the number of Muslim employees is 819 making up about 17 per cent. which has been recently raised to 25 per cent. of their full population strength. These employees have to satisfy the English literacy test—I mean the higher Corporation staff. Even there, the percentage is fixed at 25 per cent. But what are the facts? In the city's literacy the Muslims came up to 12 per cent., graduates in arts 5 per cent., graduates in science only 2 per cent. Adding the menial and labour staff to its literate staff, the percentage of Muslim employees in the city's services already exceeds 20 per cent. Is this an example of a Hindu majority riding roughshod over a Muslim minority in the city? The city is equally charitable towards Muslim institutions. About 15 per cent. of its total benefactions is ear-marked for Muslim institutions. The rest of the city's munificence goes to institutions open to all communities including the Muslims. Therefore, the Muslims have got a double advantage out of the city's philanthropy. Firstly a grant for their own Muslim institutions and, secondly, a grant for the ordinary institutions where the Muslims have their full place. But the city's treatment of the Muslims need not be counted only in terms of rupees. It has always shown great consideration for the religious sentiments and susceptibilities of its Muslim minorities. The most outstanding example of this is the Pir Burial in the teeth of vehement public opposition, in the teeth particularly of the

violent opposition offered by the European members of the Calcutta Corporation in those days, the body of a Muslim Saint supposed to be a Pir was allowed to be interred within the precincts of the great populous and popular Hogg Market. And this remarkable concession to Muslim religious susceptibilities was possible in the previous regime——

Mr. PRESIDENT: Order, order. Dr. Mookerji, I would like to inform you that at this stage the principle of the Bill and general provisions only may be discussed. You need not go so much into details.

Dr. RADHA KUMUD MOOKERJI: Sir, I am trying to show that the Municipal Bill has so far introduced so many radical features that it must be considered carefully by the public.

May I also take a leaf out of the record of the sister institution of the Calcutta Corporation, namely, the Port Trust. You know what their record is. When there was a claim that a higher percentage of Muslims should be employed by the Port Trust, the Port Trust simply said that they believed in money's worth in their employees and they did not believe in any other principle of recruitment. After all, you must acknowledge that the Corporation of Calcutta is not to be put on all fours with what may be called a State or a country. The Corporation of Calcutta is to a large extent a commercial corporation. Here the ratepayers pay for the amenities of civic life and at present the burden of the city's civic life amounts to about 20 per cent. of the taxation levied on property.

I now come to the question of separate electorate. The Hon'ble Nawab Bahadur of Dacca has treated the Council with a Statement of Objects and Reasons in introducing this Bill. His charge is that separate electorate has not resulted in a return of genuine Muslim representatives to the Calcutta Corporation. Let me state in refutation of that opinion that joint electorates did result in the return of Muslims like Khan Bahadur M. A. Momin, Mr. M. A. H. Ispahani, Mr. Shamsuddin Ahmed and my hon'ble friend the Chief Minister, Mr. A. K. Fazlul Huq himself, all of whom cannot to-day by any stretch of imagination be convicted of any particular sympathy for the Hindus. Therefore, it is impossible for me to realize how the Nawab Bahadur of Dacca has made this astounding discovery that the Muslim gentlemen who were returned by the Joint Electorate did not secure the confidence of both the Muslims and Hindus together. Is not that after all a higher ideal? Should you not see that the Muslim representative represents all communities? It is to the credit of these Muslim representatives who would be returned by the Joint Electorate that they can speak for Indians, they can speak for all the citizens of Calcutta. And here by the way, I am reminded of a Privy Council

judgment which holds that it is not open under the Constitutional Law of England to admit of the principle of communal separate electorate, because it is laid down firmly there—of course my legal friend is smiling, I refer to the Privy Council judgment in the case of Amalgamated Engineers—there the principle laid down by the Privy Council is this, that every member, the moment he is elected, must know that he represents the whole and not a section of the community, and therefore I look to every Muslim representative to stand up as much for the Hindu interests and the interests of other communities as for the interests of their own community. Therefore, communal ideas have no place in any decent Legislature of a democratic constitution.

Then, again, I must repeat my argument that separate electorate gives no protection to a minority. Please explain to me how you propose to protect the minority. How do you feel that separate electorates can be a protection to minorities? Supposing, you keep the minority absolutely aloof at the election, supposing you do not allow members of the minority to influence the election of those people who form the majority and who will form the Government, how will you influence the administration of the majority? Therefore, there is no protection to a minority not to be able to vote for those who would form the Government.

Now, I shall finish my tale of woes so far as this particular community is concerned by giving once again some facts. In 1923, a Hindu Minister allotted to the Hindus only 45 seats as against 59 to which they were entitled on the ground of their population strength out of a total number of 84 seats. In 1933, another Hindu Minister even outdid the records of his predecessor and allotted to the Hindus 44 seats as against 61 due to them on the same ground, out of a total number of 87 seats. Thus, the Hindu population with a strength of 70 per cent. was initially reduced to only 53 per cent. in 1923 and was further reduced to 51 per cent. in 1933 and now it is going to be a minority.

Another interesting point I should like to urge before I conclude. My European friends and Anglo-Indian friends between them carry away a block of 16 seats out of a total of 93. That is, they get 17 per cent. of representation as against their population strength of about 5 per cent. I ask my European friends in all seriousness, will you not apply the same principle which you exploited to the fullest possible extent so far as your particular community is concerned, and will you not remember the same principle when you come to treat a community who deserves well of you even in the matter of business? Well, I do not grudge you the weightage of representation which has been conceded to you on the ground that qualitatively the European community are more important than numerically or quantitatively.

: hate quantity which is not joined with quality. We want quality and not mere quantity. As I say I do not grudge you the representation and weightage, because the European community which numbers about 5 per cent. of the population pays 12 per cent. of the rates and taxes, and we also gratefully acknowledge that the City of Calcutta is really the creation of British enterprise in industry, commerce and shipping. Perhaps I may go a little farther and say that so far as the European group in the Calcutta Corporation is concerned, they also have been trying to take up a detached and dispassionate view, and my friend Mr. Naresh Nath Mookerjee may perhaps correct me if I am wrong. I think that we can say that the European group in the Calcutta Corporation are probably rising to the full height of their sense of responsibility. Therefore, I hope that they will rise to the full sense of their responsibility in this matter also today when this Bill is being considered. Now, so far as the Hindus are concerned, they are doomed to lose both—quality and quantity. On the one hand, they are given an amount of representation which falls hopelessly below their population strength and on the other hand, they are denied weightage——

Mr. PRESIDENT: Order, order. Dr. Mookerji, you are now only repeating what you have already said.

Dr. RADHA KUMUD MOOKERJI: Sir, I am concluding and therefore I am perorating.

Mr. PRESIDENT: You must finish your peroration now.

Dr. RADHA KUMUD MOOKERJI: Very well, Sir. Therefore, on the basis of facts and figures which are unimpeachable, I make my appeal once again before the House. I appeal to the good sense and the better minds of this Council to mete out to the Hindus the minimum amount of justice by not reducing their majority in the city's administration to a minority. And I hope my appeal will not fall on deaf ears. Sir, the Upper House is a revising Chamber and the constitution intends that it should remedy the injustice of the legislation framed in another place in the stormy atmosphere of party politics and communal passion. Please remember in conclusion the figure 45 out of 93 and if you can conscientiously think that the Hindus of the City of Calcutta who pay more than 80 per cent. of the total rates and taxes, if you believe that this community does not deserve more than 45 seats out of a total of 93, if you are bent upon rejecting all offers on the part of Hindus to embrace you as your brothers on the basis of a common citizenship under a joint electorate, if you must separate from the Hindus, then don't you think that you are justified in separating them with only a quota of 45 seats in a House of 93?

Mr. PRESIDENT: Amendment moved: That the Calcutta Municipal (Amendment) Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

Mr. Lalit Chandra Das, I rule your notice of amendment out of order, but you can speak on the main proposition or the amendment for circulation.

(Mr. Hamidul Huq Chowdhury rose to speak.)

The Hon'ble Khwaja Sir NAZIMUDDIN: May I say one thing, Sir? I may not be present at the sitting to-morrow, and may I speak on this motion to-day, as subsequently I may not get any opportunity to do so. I hope, Mr. Deputy President will not mind.

Mr. PRESIDENT: All right.

Point of Order regarding Motion for Circulation.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, before I discuss the merits of this question, I would like to place before you a ruling of the President of the Council of State with regard to motion for circulation of Bills which have come up from the Lower House:—

On a motion that the Bill further to amend the Land Customs Act, 1924, for certain purposes as passed by the Legislative Assembly be taken into consideration, the President of the Council of State ruled as follows:—

"At this stage I must draw the attention of the hon'ble members to the fact that this morning I have received a notice from the Hon'ble Sir Prabhashanker Pattani asking permission to move an amendment referring this Bill to a Select Committee and in the alternative to circulate it for eliciting opinion thereon. This notice is framed in an alternative manner. I will first read the notice—that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. A. H. Lloyd, etc.....and if this amendment fails, that this Bill be circulated for the purpose of eliciting opinion thereon.

"I will first deal with the second part of this motion, and I may say at once that I rule it out of order. As hon'ble members are aware, there are several rulings on this point, that in the second Chamber it is not usual to make a motion for circulation of a Bill. There are also several rulings on the subject of reference to the Select Committee. In 1931, my predecessor, Sir Henry Moncrieff-Smith, gave a ruling. In

1934, on two occasions, I had to deal with similar motions. It is not necessary for me to go into all the previous rulings to-day, both as regards circulation and reference to Select Committees, but for the benefit of the new members of this House, I shall refer to only one ruling of mine, the last ruling on the subject in 1934, when this point was raised. I might as well read what I said then, because that will save me the trouble of repeating the same argument. I said then: 'In that case under Rule 29 the hon'ble member is entitled to move for the appointment of a Select Committee in this House. I may point out that Rule 29 crystallises the traditional practice and procedure of the House of Lords. The hon'ble member is entitled to speak, but this privilege of asking for the appointment of a Select Committee in the Upper House is very, very rarely exercised. This Council was constituted in 1921—it emanated from the Montagu-Chelmsford Reforms—and I have been in this Council from 1921 and, as far as my recollection goes, not on a single occasion has this House appointed a Select Committee to reconsider a Bill'."

Mr. PRESIDENT: The House did not appoint a Select Committee to reconsider a Bill. But it does not say that the House had not the right to appoint a Select Committee. They are entitled to do so, but simply they did not exercise their right.

The Hon'ble Khwaja Sir NAZIMUDDIN: And so far as the circulation motion is concerned, the ruling says that the circulation motion is not in order. This may apply as far as the motions to circulate or to send the Bill to Select Committee are concerned. I will now come to the merits of the issue, specially by way of a reply to what has been stated by Dr. Radha Kumud Mookerji. I should like to state that I have very rarely heard speeches in this House full of such a gross misrepresentation and such gross distortion of facts. Dr. Mookerji has laid great stress on what took place at the time when the Calcutta Municipal Bill was being discussed and how all parties came to an agreement, to a compromise proposed by Mr. Langford James. I am surprised that to-day in this House he has said that there was unanimous agreement by all the communities on this compromise.

Dr. RADHA KUMUD MOOKERJI: I did not say unanimous, Sir, but I said solemn agreement or pact.

The Hon'ble Khwaja Sir NAZIMUDDIN: All right, Sir, he said pact or solemn agreement. Here again, I must point out that in spite of

having heard all about it a few days ago when this Bill was being discussed in the other House, in spite of it having been pointed out that actually the Muslims representing the community in the Legislature at that time never accepted this fact and that only one Muhammadan member voted in favour of the compromise of Mr. Langford James, I mean the late Dr. Sir Abdulla Suhrawardy, this so-called unanimity of acceptance is repeated *ad nauseam*. The entire Muhammadan community did not accept the compromise at any stage and Mr. Langford James suggested this compromise or pact as only a temporary measure on this basis that the whole question of separate electorate and joint electorate would be gone into by a Commission which would be sent out by the British Government in the near future, and that they would thrash out this question. Until then, as a sort of working arrangement they agreed to the acceptance of this compromise. That, Sir, was the genesis of Mr. Langford James' suggestion. It was never intended that this should be a permanent solution of the question.

Mr. HUMAYUN KABIR: I rise on a point of order, Sir. The first part of the Hon'ble Minister's remark was a point of order regarding circulation motions, if I remember aright. And the second part of his remark related to the merits of the Bill or a reply to the speech of Dr. Mookerji. Will it not be better if these two points were kept separate?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am now speaking on the merits of the question.

Mr. HUMAYUN KABIR: Then, have you dropped your point of order regarding the circulation motion?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have made my submission to the Chair for his ruling on my point of order. But at the same time I want to speak also on the merits of the question. Before I conclude, I will again press my point of order.

Now, Sir, speaking on the merits of the question——

President's Ruling.

Mr. PRESIDENT: Order, order. If Sir Nazimuddin wants my ruling on the point of order he has raised, I am prepared to give it at once. This point of order should have been raised when the motion for circulation was made. However, I may state here that I do not feel inclined to follow the ruling cited by Sir Nazimuddin from the proceedings of the Council of State. If I follow the procedure adopted by the Council of State and disallow the motion for circulation, I would deprive

the House of its legitimate right to decide about the three alternative stages, namely, either to circulate a Bill for eliciting public opinion or to refer it to a select committee or to take the Bill into consideration. If the first two stages are barred in the case of all Bills coming from the other House, it would mean that the House would be left with the only alternative, namely, either to accept the motion for consideration or to reject such motion. I am always anxious to see that the legitimate rights of this House are extended as far as possible unless they come in conflict with the direct provisions of the Statute and the Rules made thereunder. So far as this particular point raised is concerned, I find that neither the Statute nor the Rules and the Standing Orders of the Council debar the Council from considering a motion for circulation, in cases of Bills coming from the other House. The only bar that the existing rule lays down in the case of such Bills is that the Council cannot refer them to select committee if any of them has already been referred to such a committee in the other House. According to the procedure and conventions observed in all countries where Parliamentary institutions exist, both Houses are given the right to go through all the three stages prescribed for a Bill. There is the further point which should also be considered in this connection. There is no Minister who is a member of this House and most of the measures therefore are initiated in the other House. If by my ruling I prevent the Council from considering any of its stages of a Bill, the Council, I am afraid, will lose its importance as a revising chamber. Further, the Constitution Act itself has given the same powers to both the Houses of the Provincial Legislature except in cases of taxation measures. I am, therefore, definitely of opinion that this House as a revising chamber should have the right of going through all the stages of a Bill. I rule that the procedure which has so far been followed in this House will be adhered to in future as well.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as your ruling has been given, I must cease from giving any further expression of my opinion on the subject. But as far as the merits of the question are concerned, I was stating that Mr. Langford James made it quite clear that this question will be finally gone into at the time when a Royal Commission would come to consider the question of separate or joint electorates. As a matter of fact, the Simon Commission did arrive and took up for consideration, among other things, this question of electorates. This pact was entered into for nine years in the hope that by that time this question would be decided by the Royal Commission one way or the other. In actual practice, however, it took a longer time. But when, nine years expired, according to the provisions of the Calcutta Municipal Act joint electorates came into force. Therefore, it will be seen that as far as the historical facts are concerned, it is rather very much different from what has been stated here to-day by Dr. Mookerji.

Now, actually on the merits of the question also, it has got to be remembered that the Muslim community never accepted joint electorates.

Mr. Kabir asks me, Sir, if there was any vote in 1933. Yes, Sir, it was vehemently opposed. At no stage can it be shown that the Muslim community ever accepted this principle of joint electorate in the Corporation and they have always vehemently opposed this. Therefore, when a suitable opportunity has occurred, they have come forward with a Bill to redress the grievances, after having given a fair trial to the joint electorate for a period of six years. They have tried joint electorate, and there is practically unanimity of opinion against this system of election from the Muhammadan community. I am referring to the opinion of the Muslims, and it is no use the hon'ble members sitting opposite saying "question." Mr. Kabir knows very well, if he has ever taken the trouble to be in Calcutta or to read the newspapers, the strong expression of opinion by the Muslims at the time when they were boycotting the Calcutta Corporation election, I believe in 1936 or 1937——

Mr. HUMAYUN KABIR: It was an organised agitation.

Mr. PRESIDENT: Order, order. There should be no interruption when the Hon'ble Minister is speaking.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no objection to questions being put to me and hon'ble members can ask questions as much as they like. But I am stating facts and no amount of interruption will make any difference.

Mr. PRESIDENT: Order, order. If the Hon'ble Minister is willing to accept questions, then the procedure should be strictly followed. Any member who wants to ask a question should rise up. If the Hon'ble Minister gives way, he may speak; otherwise not. There should be no cross-talks.

Dr. RADHA KUMUD MOOKERJI: Sir, may I put a question? I want to know what facts there are to prove that joint electorate has not worked well for the Muhammadans considering the results of the election on the joint electorate.

The Hon'ble Khwaja Sir NAZIMUDDIN: Complete boycott of the Corporation elections in 1936-37——

Dr. RADHA KUMUD MOOKERJI: Kindly name persons returned by joint electorate and criticise them.

Mr. PRESIDENT: Order, order. I would like to make the position clear. The Hon'ble Minister is not bound to give way every time. If he wants to, he may.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the complete boycott of these elections, the mammoth gatherings of the rate-payers and citizens of Calcutta——

Mr. SHRISH CHANDRA CHAKRAVERTI: There was hooliganism.

The Hon'ble Khwaja Sir NAZIMUDDIN: There was not a single act of hooliganism. It is a malicious imputation on these people to say that there has been any act of hooliganism.

Mr. SHRISH CHANDRA CHAKRAVERTI: What about Beniapukur?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not prepared to yield now. As a matter of fact, I have got to reply to the point regarding hooliganism, and I am not yielding on this point.

There was no case of hooliganism excepting that at the time of election, one man was slightly assaulted—during the whole of the Calcutta Corporation elections. The hon'ble members know that even in a two-penny election of a Congress Party, there is always hooliganism. But the Corporation of Calcutta elections took place in the face of a strong and excited Muslim public opinion. Before this, there had been such a tremendous amount of propaganda and yet at the time of the election what happened? One man was assaulted by two or three people because he had gone there to vote against the declared wish of the public. Not only that, because he tried to abuse others, he was assaulted. Beyond that, there was not a single case of hooliganism. There could not be hooliganism because the Muslim voters did not go to the polls.

I am sorry only 10 minutes is left for me to finish, and I will not have the chance of addressing this House on this question again. Now, Sir, I am coming again to the other point, namely, this method of deciding as to how to arrive at a satisfactory representation, namely, population, rates and taxes paid. This was the formula that was enunciated by the late Sir Surendra Nath Banerjee. It may be said by the other side that it was a formula which would practically be certain to give results in favour of a particular community and therefore it was a formula that was accepted. I doubt if anywhere a formula of this kind has ever been worked. You can make any formula you like and you are bound to get a particular result. I have laid down a particular formula and you are bound to get a particular result.

Now, Sir, I want to place before the House another important fact which is a misrepresentation of actual state of affairs and that is the continuous reminder of the amount of rates and taxes paid by the Mussalmans. The percentage given and quoted is again incorrect. In the Calcutta Corporation, no register is kept separately of every Muslim and every Hindu rate-payer. The register contains names only of those who figure on the electoral roll. But what about the vast number of those poor *busteewallas* whom Dr. Mookerji treated with utter contempt and who have got as much right as anybody who pays hundred rupees as tax? Is not a poor *busteewalla's* one anna of Corporation tax as important as the Rs. 100 of Dr. Mookerji or his friends? These taxes have not been taken into consideration in preparing the statistics quoted by Dr. Mookerji, for the simple reason that there is up till now no means of taking into calculation the taxes paid by these classes of poor rate-payers. In that percentage, which has been quoted, these have never been included, and there are hundreds and thousands of these Muslims who pay their quota of rates and taxes to the coffers of the Corporation but who do not figure on the Corporation register.

Mr. SHRISH CHANDRA CHAKRAVERTI: They do not pay any taxes, the *busteewallas*.

The Hon'ble Khwaja Sir NAZIMUDDIN: The hon'ble members must remember that to be entitled to be put on the electoral roll, one must pay rates and taxes above a certain amount. All those who pay rates and taxes below that specified amount, their names are not recorded in the electoral roll. The poor Muslims who pay one rupee, men who pay cart taxes and other various rates and taxes, their names do not come in, and this figure of rates and taxes on which your franchise has been fixed is an arbitrary one. There can be no justification for that. If these rates are taken into account, then the number of Muslims paying rates and taxes will increase.

Dr. RADHA KUMUD MOOKERJI: What is the figure?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not possible to tell you, because there is no means of getting it, and it is just what I am trying to din into your heads, but it won't go there. Don't get excited my friends, because I am telling you some facts which you have never taken into consideration.

Dr. RADHA KUMUD MOOKERJI: Because your facts have been taken without consulting the Corporation. Why not consult the Corporation?

Mr. PRESIDENT: Order, order. Dr. Mookerji has addressed the House for 50 minutes and there was no obstruction from the other side. The Hon'ble Minister will be finishing in a few minutes and he should not be interrupted.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, let me again tell the House that at the present time no machinery exists to get at the correct figure. Unless you take down the rates and taxes roll of every Muslim separately and every other community separately and take down the amount of tax that has been paid, it is not possible to get at the figures. I said all the figures that have been quoted by Dr. Radha Kumud Mookerji, as those of other gentlemen in the other place, are all based on the amount of tax that has been paid by those who are on the electoral roll. First and foremost, I say that the electoral roll on account of its high franchise qualifications leaves out a large percentage of Muslims who cannot come on the electoral roll and a large percentage of Muslims who would be voters and whose amount of tax will be taken into consideration, if they are there. (Mr. RANAJIT PAL CHOUDHURI: The same can be said about Hindus also.) The same consideration will not apply, because the Muslims are much more poor than that of our Hindu brethren who are much better off. And what is more, the joint family system also helps in the case of Hindu families and increases their percentage of the amount of taxes and number of voters. Therefore, I maintain that these facts and figures are not absolutely correct. But at the same time, I want to make it quite clear that it does not mean that even if these additional facts that I have stated are taken into consideration, it will increase the number of Moslem ratepayers or the amount of tax paid by them to such an extent as to bring it anywhere near equal to that of the Hindus. It is admittedly less than those who are very well off in the City of Calcutta and whose numbers are greater. But the point remains that the actual contribution of the Moslem ratepayers is more than what has been stated there. The second point is that the representation that has been given to the Muslims is no more than their population strength, and it still leaves the Hindu community in an absolute majority. (Mr. LALIT CHANDRA DAS: Question.) Sir, question may be raised, but the fact remains that out of the general elected seats, they have got 47 and even if it is assumed that they cannot win two of these seats by election, then there will be three nominated scheduled castes councillors who, when it comes to calculation on the basis of population, belong to the Hindu community. And, therefore, they must be considered as adding to the strength and representation of the Hindu community. You cannot get out of it. It makes no difference whether they come in by means of election or come in by means of nomination. This would make 48, plus the two labour seats which are practically certain to go to members.

belonging to the Hindu community; therefore, the number of Hindu Councillors in the Calcutta Corporation will be 50 in a House of 93 or 94.

As far as the question of Hindu majority is concerned, it has not been disturbed. On the other hand, there are other ways whereby—though the position is not absolutely certain, but practically there is a very good chance,—more Hindus might come. Take for example, the Port Commissioners whose practice has been to elect one Hindu and one European. The chances are that this practice will continue. So, it is not that this is going to be the limit of their representation, but actually there are chances that from other sources also their numbers will increase. Now, Sir, so far as the genesis of this Bill is concerned, I might say that it is due to the fact that in spite of representations, in spite of protests, in spite of every effort that the Muslim community could make to get redress of their grievances when they failed, they made it an election issue that one of the things which their representative should take up, if they happen to form the Government, would be the amendment of the Calcutta Municipal Act. The amendment of the Calcutta Municipal Act was one of the issues in the election manifesto of most of Muslim parties that took part in the general election. And what was the reason for this? The most important point I would like to impress on the House in this connection is this. This demand for the change came because the Muslim community failed to get any satisfaction by every other means that they could take, namely, representation, waiting on deputation, or amicable arrangement. In this connection, I might also mention, Sir, that at that time the Minister for Local Self-Government arranged a committee of prominent members of the Corporation and prominent members of the Muslim community to go into the question. After having gone practically into the major portion, and when it came to the question of giving effect to it, somehow or other the Corporation members never found time to meet and so the whole question was left undecided. It is this treatment, gentlemen, that has led to this amendment of the Calcutta Municipal Bill, and after all what is there? It only gives them representation to the extent of 24 per cent. And I cannot understand this hue and cry unless you assume that all the others are going to make an unholy alliance with the Muslims to put down the Hindu community. You have got to assume that the other people are going to be fair and just in their deliberations and unless Muslims can make out a reasonable and fair case, there will be no reason to think that the Hindu community will be at all at a disadvantage. It may be that as far Muslims are concerned—I admit you can say that the Muslims are so led by their considerations of Islam that they will combine together—but that will only form 24 per cent. of the Councillors of the Calcutta Corporation. There are other communities. There are the Europeans, there are Anglo-Indians and there are the scheduled castes; and unless they all go against the Hindu

community, it is absurd to presume that there will be anything unfair or unjust as far as the Hindu community is concerned. Therefore, Sir, I think on merits, there is no justification whatsoever for circulating this Bill. It is unfortunate that the Calcutta Corporation could not be consulted previously, but there was a special reason for it, and I want to mention here why the Government is in a hurry over this question. It is because if they want to give effect to this Bill unless you make it absolutely infructuous, it is absolutely necessary that this Bill should be passed as quickly as possible to enable the electoral roll to be prepared in time so that the next general election could take place according to the provisions of this new Act. That is the only reason why it has not been possible to consult the Calcutta Corporation or to circulate it for public opinion in the other House. That is the reason why we oppose circulation here also. Because, if this Bill is to be of any use at all, it must come through quickly so that the electoral roll may be prepared by the time the next elections are started.

Mr. PRESIDENT: Order, order. The House stands adjourned till 8 a.m. to-morrow.

Adjournment.

The Council then adjourned till 8 a.m. on Tuesday, the 23rd May, 1939.

Members absent.

The following members were absent from the meeting held on the 22nd May, 1939:—

(1) Mr. Humayun Reza Chowdhury.

(2) Mr. Nagendra Chandra Datta.

(3) Khan Bahadur S. Fazal Ellahi.

(4) Alhadj Khwaja Muhammad Ismail.

(5) Nawabzada Kamruddin Haider.

(6) Maulana Muhammad Akram Khan.

(7) Begum Hamida Momin.

(8) Mr. H. P. Poddar.

(9) Rai Bahadur Radhica Bhusan Roy

(10) Rai Saheb Jatindra Mohan Sen

(11) Mr. D. H. Wilmer.

THE BENGAL LEGISLATIVE COUNCIL DEBATES.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 23rd May, 1939, at 8 a.m., being the thirteenth day of the Second Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Representation at the Palestine Conference.

66. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Home Department be pleased to state what steps he has taken, if any, to make a strong representation to the Government of India with a request to urge upon His Majesty's Government of England the immediate necessity of allaying the growing feeling among Indians, especially the Moslems, by allowing representation of Indian Moslems at the Palestine Conference now being held at London and by admitting the right of the Arabs to self-determination in Palestine and by conceding to the just and legitimate demands so ably put forward by the Arab delegation at the Conference?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy on behalf of the Hon'ble Khwaja Sir Nazimuddin): The Ministers had, prior to the convening of the Palestine Conference, made representations through the Governor, to the Secretary of State, indicating the anxiety which they felt regarding the repercussion of events in Palestine upon opinion in India. I am satisfied that the views of Indian Moslems have been brought to the notice of the Secretary of State.

Mr. KADER BAKSH: Will the Hon'ble Minister be pleased to state whether any reply has been received from the Secretary of State?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, the representation did not call for a reply.

Suicide in Bengal.

67. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many cases there have been of suicide in Bengal in 1938;

(*b*) how many of them have been due to unemployment; and

(*c*) how many of them have been due to scarcity of food or starvation?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Khwaja Sir Nazimuddin). (*a*) 3,931.

(*b*) and (*c*) No information is available.

Mr. LALIT CHANDRA DAS: Was any attempt made to gather the information?

The Hon'ble Mr. H. S. SUHRAWARDY: Whenever it is brought to the notice of Government that these suicides may have been due to any of the causes stated by the hon'ble member, enquiries are always made.

Mr. LALIT CHANDRA DAS: That is a general answer, but I say with particular reference to questions (*b*) and (*c*), was any information sought and attempted to be gathered?

The Hon'ble Mr. H. S. SUHRAWARDY: I think I made it clear that information was sought and attempted to be gathered, but it is difficult to say in how many of the 3,931 cases.

Mr. RANAJIT PAL CHOUDHURI: Relating to answer (*a*), were there any cases of suicides while persons were in Government custody?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I would like to have notice.

The Calcutta Municipal (Amendment) Bill, 1939.

Mr. PRESIDENT: The House will now resume discussion of the Calcutta Municipal (Amendment) Bill, 1939.

Mr. LALIT CHANDRA DAS: Sir, I rise to oppose the consideration of this measure. The principles underlying it are to my mind

Sir Nazimuddin narrated facts which are to my mind wholly misleading. Sir, when section 8 of the Act was being debated in 1923 in the Bengal Legislative Council, the extremists led by Mr. Syed Nasim Ali offered a very stout opposition to the system of joint electorates. On analysing the speech of Mr. Nasim Ali it would be found that he emphasized that the Muhammadans as a whole desired separate electorates. The point was not what they desired; the point was what was best for a democratic form of Local Self-Government in Calcutta. After all, the Muhammadans are the children of the soil, most of whom in Bengal are converts from Hinduism and are, unlike the Europeans, living side by side with the Hindus for centuries. Mr. Langford James intervened and suggested a compromise. He said, "Let us meet the wishes of our Muhammadan friends by giving them 13 seats. Let us recognise that in the present state of the development of their community, their claim to communal election is a reasonable one, but let them on their side recognize that this system cannot be expected to continue indefinitely, and let them, I suggest, be content with this privilege for a period of 9 years." And Mr. Langford James wound up his speech by making a strong appeal, a fervent appeal I should say, to Sir Surendra Nath Banerjee to agree to it. That speech was made, Sir, on the 15th February, 1923. Sir Surendra Nath Banerjee took time for giving a reply, and that reply came four days later. In the course of his reply, Sir Surendra Nath Banerjee observed, "We uphold the principle of a general electorate for Hindus and Muhammadans alike as a permanent feature of the Bill. The House stands committed to this principle of a general electorate, its operation being suspended only for a period of nine years or three elections, after which the transitory clause will disappear and the system of general electorates will come into force." That is what Sir Surendra Nath Banerjee said on the 19th February, 1923. After the signification of the acceptance of the compromise by Sir Surendra Nath Banerjee, who was the Minister-in-charge of this Bill, Mr. Syed Nasim Ali, Leader of the Opposition, thus observed, "I thank the Hon'ble Minister for Local Self-Government very much for bringing in this amendment to give effect to this compromise which was so happily proposed by Mr. Langford James." I desire to draw the attention of our Muhammadan friends of this House to this expression of Mr. Nasim Ali, namely, "To this compromise which was so happily proposed by Mr. Langford James". Then, he continued, "in a question like this peace at any cost should be our motto." That is what Mr. Syed Nasim Ali said. Who now breaks this peace? I regret to have to observe, it is the present Government which now breaks the peace. Of course, Mr. Nasim Ali was careful to observe that constitutionally or legally he could not bind his successors, but at the same time he was very definite on one point, namely, that the whole question would be

a question of onus. After 9 years, they would have to satisfy the Government that separate electorate was still needed. "By making this compromise," observed Mr. Nasim Ali, "we simply take the burden of proof upon ourselves." The question is, was that onus discharged after a period of 9 years so as to disturb the principle of general electorate which was to be the permanent feature of the Act. I emphatically assert, Sir, that that onus was never discharged. On the contrary, there was an acquiescence by men like Prince Akram Khan, the Hon'ble Mr. Fazlul Huq, Mr. Erfan Ali and others whose representative character could never be disputed even by the most die-hard among the communalists of the Calcutta Corporation, after the expiry of 9 years from 1924. Sir, I hold that the introduction of the principle of separate electorates now in the Calcutta Municipal Amendment Bill is an act of gross breach of faith and an act wholly illegal.

Sir, it is not enough after a binding compromise to say that Muslim public opinion has insistently demanded the change from joint to separate electorates. It is not enough to say that there was an election pledge to replace the system of joint electorates by separate electorates, as Sir Nazimuddin declared yesterday. It must be shown how and wherein the general electorate has failed to secure advantage for the Mussalmans justifying them to disturb the operation of section 8 of the Calcutta Municipal Act. It is not enough to say that you want this, you want that. The Muhammadans were entitled to 7 seats only in 1923, but they were given 13 seats in the general electorates. That was a good consideration. The number of seats was subsequently raised to 15 and then to 19 for the Muslims as new areas were added, and now in one jump the communalists who have seized the reins of Government take 3 seats more and thus make 22 seats for themselves, although the rates they pay do not amount to more than 5 per centum of the total revenues of the Calcutta Corporation. Let it, however, be clearly understood that we do not grudge them these seats. But no principle appears to have been followed in allotting seats to the Hindus and persons other than the Muslims and the Europeans, although in population they exceed 70 per cent. and pay 82 per cent. of the rates. Mark, Sir, seats have been allotted to the Europeans on the basis of the rates and taxes payable by them with a little weightage in their favour. Why were not the non-Muslims given seats in proportion either to their population or to the rates they pay. It is not a mere question of bare majority, as Sir Nazimuddin told us yesterday. It is not a question of a bare majority to be defeated by a combination of the groups of minorities or a survival on mere chance. If any sense of justice weighed with the powers that be, the Government would have assigned at least 55 seats to them in the general electorate. Without doing this bare justice, they have committed a double wrong

in that they have severed themselves from the general electorate and formed special constituencies for returning their members to the Corporation. After this, if anybody would say that the whole Bill is unprincipled, would he be far wrong? Sir, in civic administration there is hardly any special Muslim interest which requires to be advanced by a communalist Muslim councillor. On problems relating to drainage, lighting, public sanitation, medical relief, engineering, primary education, food protection, water-supply and other matters, the interests of all citizens are common. So, when section 8 of the Act came into operation, whatever arrangements were made by the joint deliberations of all the Councillors returned through joint electorates affected both Hindus and Muslims alike and represented the wishes of both Hindus and Muhammadans. In the field of job-hunting in the arena of the Corporation, our Muslim brethren, I venture to say, succeeded fairly well. They have been provided, since the inauguration of the joint electorate, with jobs more than what their number of rate-paying capacity warranted. Sir, in the origin of a Bill, truth must be its bed-rock. Assertions contrary to facts, which form the basic reason for this Bill, have vitiated it. Sir, in the Statement of Objects and Reasons of this Bill a reference has been made to public opinion. I venture to say that public opinion has emphatically expressed its view that the principles underlying the provisions of this Bill are vicious, and has in fact dubbed it as a "Black Bill". That public opinion, I submit, Sir, included Muslim public opinion also. To nail the lie to the counter, when true Bengal, as opposed to non-Bengali Muslim opnion, wanted to express itself separately in the Town Hall in condemnation of this Bill, a few Muslim hooligans were only necessary to break up an otherwise orderly gathering of Muslims by throwing of shoes, chairs, etc. Sir, "Heads I win, tails you lose," is another governing principle of this Bill. The most reactionary provision in the Government of India Act, 1935, namely, separate electorates, which were meant to keep the two great communities apart for Imperial purposes, is cited as the justification for the demand of separate electorates for election to the Corporation and to crush the spirit of nationalism which governs the civic administration of Calcutta to-day. But, the most salient and distinguishing feature of the Government of India Act, 1935, namely, the abolition of nomination, is lost sight of and never so much as mentioned. The principle of nomination is quietly retained. If it is retained because it was retained in the 1923 Act, why is not joint electorate retained also, on the same analogy? Sir, unreason is blind and leads the communalists from one act of misgovernment to another. Sir, what is sauce for the gander ought to be sauce for the goose. While provision has been made for representation of the Bengal Chamber of Commerce, the Bengal Trades Association and the Port Trust for seats in the Corporation, no such provision is found anywhere for the Bengal National Chamber of.

Commerce, the Muslim Chamber of Commerce or the Marwari Chamber of Commerce. To the communalists, the Government of India Act, 1935, sometimes assumes the sanctity of the Bible and they quote it, but when it is inconvenient they quietly give it the go-bye. Has not the Government of India Act allotted all of these commercial bodies seats in the Legislatures? What principle withholds from them the right of similar representation in the affairs of the Calcutta Corporation within whose limits they live, move and have their being? Sir, the communalists calculated and found that if they adopt the principle of fair representation for all the chambers they would gain one seat, whereas they would lose through their European masters two seats as they will have to give one seat each to the Bengal National Chamber of Commerce and the Marwari Chamber of Commerce. So, they dropped it like a hot potato. For, are they not out to see the League flag flying over the dome of the Corporation building replacing that of the Congress and to make the Corporation a department of Government? On these grounds, Sir, I oppose the consideration of such a "Black Bill."

Mr. H. C. A. HUNTER: Mr. President, Sir, first of all, I want to say that the figure of 12 per cent. mentioned yesterday as being the contribution of the Europeans to the Corporation's total revenues is not correct, as that percentage does not include licence fees or rates or taxes included in rentals paid to Hindu and other landlords—notably in the Alipore, Ballygunge and Park Street areas—which are estimated to bring up the total European contribution to not less than 18 per cent.

I merely mention this in the interests of accuracy and not with the idea of pressing any claim the European group may have for the maintenance of our percentage of representation in the proposed bigger Corporation. The fact that we have not pressed for additional representation may allay doubts, which might otherwise be entertained, about our absolute disinterestedness.

While on the subject of disinterestedness, I should like to invite attention to the fact that this is the second occasion within the last week on which communal issues have been debated in this House. And before I put forward the views of the European group on the Bill at present under discussion here, I want to try and clear the issue of a prejudice that may have been aroused in some quarters by a theory advanced by my hon'ble friend Professor Humayun Kabir. In a recent debate on a motion put forward last week, we were regaled by the hon'ble member with a brief and interesting dissertation on the relationship between Hindus and Muhammadans and the British during the past 150 years. Personally, I regarded his speech as an instructive and delightful contribution to the debate—marred only by what I believe to be a wrong

conclusion drawn from his array of accurate facts: the conclusion that the guiding principle of the British in that span of years has been to "Divide and Rule." This is an outworn cliche, and I suggest that cliches are often used not so much to express a thought as to put the guillotine on thought. And sometimes they are used instead of thought.

Is it suggested, Sir, that before the advent of the British in this country, Hindus and Muhammadans lived in amity and good fellowship, each sensitive to the other's rights, each scrupulous of the other's claims? Is it suggested that since that advent no conflicts between the two great communities of India have ever taken place without being fostered and fomented by the machiavellian machinations of the British Government? I suggest that the reverse is the truth: that it has not been the aim of the British to ensure the alternate dominance of one or other of those great communities; but in addition to securing peace, it has been among their aims to see that the rights of the less powerful community—whichever it might be—should not be too grossly overridden.

The further theory has been advanced that the reconstitution of the Calcutta Corporation will have the disastrous effect of fomenting communal differences—particularly in regard to the so-called "retrograde" step of establishing separate electorates. And the statement was recently made in this House by no less an authority than the hon'ble member Dr. Mookerji, that there is no historical precedent for this. Coming as it does from Dr. Mookerji, I accept his statement without question. But I do submit that because a procedure is a new one, it is not necessarily a bad one: indeed, I cannot conceive, otherwise how there can have been any progress, whether political or not, since the world began. Political institutions are a growth and their value is diminished if they do not fit the conditions they are designed to serve. Doubt has been expressed as to whether the institution of joint electorate really does fit the conditions as regards the Muslim community and reasons have been advanced, which seem to my group cogent ones, as to why that system of joint electorates—academically perhaps more perfect—is not, in practice, satisfactory; and why the system of separate electorates is likely to give more satisfactory results. Sir, I submit that the system of separate electorates will not have the bad results predicted of it. On the contrary, I submit that it has a further good feature in that it should tend to preclude communal strife. Let us consider what happens in a joint electorate. There is a majority of voting strength of one party, a minority of the other. Whether the margin be small or large, some bitterness and disappointment are bound to be experienced by the minority who find themselves represented by someone of the opposite party. It is true, this position exists in England and other democratic countries. But the implications are

much more serious and severe in India than in England, owing to the different mental attitude towards nepotism and patronage. I don't say that either attitude is superior to the other. But I do suggest that they are different attitudes; and that, by virtue of the Indian attitude, the representation of a Muslim minority by a Hindu or by a Musilm elected on a Hindu ticket, has much graver implications than would—for instance—the representation of a progressive minority in a London constituency by a socialist member. And it is this extra gravity which, I suggest, contributes so greatly to communal bitterness in the case of municipal elections in Calcutta. The introduction of separate electorates eliminates all possibility of this bitterness. And I therefore fail to understand how the support by the European group to the principle of separate electorates can be stigmatised as one of those machiavellian moves designed to introduce discord into the harmonious structure of the Calcutta Corporation. On the contrary, we believe it will remove a cause of discord. Yesterday, my hon'ble friend Dr. Mookerji paid a graceful and most welcome tribute to the work of the European group in the Corporation. I am in the happy position of being able to reciprocate this compliment; for, I find amongst my friends in the European group of the Corporation a genuine feeling of admiration and regard for the keenness and ability of many of their Caste Hindu colleagues there. But the Europeans do feel that owing to the preponderant majority the Hindus have there, civics are too often sub-survient to politics; that appointments are decided on and contracts allotted, sometimes in a dictatorial and arbitrary manner by a High Command and often not entirely on the merits of the case but with the object of recognising and securing political support.

This is all very human and takes place in some degree in other cities besides Calcutta. But it does prejudice civic efficiency, and it is for this reason that my group feel that a preponderant majority is a hindrance; that it were better for our Corporation to have such a disposition of seats that the opportunities and demands for patronage would be minimised; to the end that the Aldermen and Councillors of the Corporation would be free to give their undivided loyalty to the welfare of Calcutta. The European group agree that consideration should be given to the important factors of numerical strength and financial contribution; but we also hold the view that any considerable party majority in the Corporation is an evil and that only by the abolition of that considerable majority can the welfare of the city be properly safeguarded. And if our group have been instrumental in securing in another place a larger representation for Caste Hindus in this Bill than its framers at first contemplated giving them, it is because we could recognise and press the arguments of the numerical and contributory importance of the Hindu community in this city without prejudice to our conviction that an appreciable majority is not

conducive to the city's best interests. These are among the reasons, Sir, why we, the European group, desire to support the motion that the Bill be taken into consideration.

Dr. RADHA KUMUD MOOKERJI: On a point of personal explanation, Sir. I very much regret to have to say to-day that in the Council yesterday, I referred to Mr. R. H. L. Langford James as a person who was no longer in the land of the living in connection with the compromise. I ought to have referred to the renowned Mr. J. W. Langford James, the Barrister, who was responsible for the compromise. I regretfully make this correction, and I hope that it will be made known to the proper quarters. I pay my tribute to the memory of Mr. R. H. L. Langford James.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I am not one of those who support any dilatory motion in connection with legislations brought forward by the Ministry for the purpose of good government and amelioration of the condition of the children of the province, irrespective of caste or creed, of religion or community. If I and my party depart from that general principle in this case, we do so because the present legislation has, in our opinion, been brought forward neither for the good Government of the province nor for the amelioration of the lot of the people of Bengal. Sir, I do not wish to go into the history of this case as my friends, Dr. Mookerji and Mr. Lalit Chandra Das, have done so nor do I wish to say anything about Mr. Langford James' compromise in this matter. Presently, I will prove that the Bill is neither going to help the Bengali Hindus nor the Bengali Muslims in getting a fair share in the Corporation administration. The present Bill is also not one for the better governance of the Calcutta Corporation. Sir, the present piece of legislation has only been brought forward with the sole object of placating a certain richer section of the Muslims hailing from other provinces. It is no pride to the Bengali Hindus or the Bengali Muslims, when we find that the total volume of business in Calcutta, which is the greatest in India, is controlled only by outsiders. To be plain and with no motive to be rude to any individual or section of the population of India, I must say that there is no denying the fact, that certain business in Calcutta is under the control of my European friends, the Burrabazar business is under the control of the inhabitants of Merwar and of Guzrat, and the Colootola business is under the control of the Muslims of Delhi and Peshawar. The children of the province, whether Muslims or Hindus, are no better than hewers of wood and drawers of water in their own province for the advantage of outsiders who earn money at the cost of the people of Bengal. Sir, I have no grudge against the Marwaris, Bhatiyas, Muslims or Britishers who have adopted Calcutta as the place of their business.

and who have sunk crores of rupees of their well-earned money for the improvement of Calcutta and its amenities. Sir, as a matter of fact, I am thankful to those classes for coming to Calcutta on business and contributing to the exchequer of the Calcutta Corporation for the improvement of the town. But, Sir, most of the persons or classes of persons whom the present Bill will give the benefit of being elected as Councillors of the Calcutta Corporation under the separate electorate, will be men having no real interest for the welfare of the province. Sir, they have come here for business and would go away after the closing of the business either by profit or by sale or by liquidation. Until and unless they settle in Bengal, they cannot naturally have the same stake in the country as the children of the soil who are born and brought up in the soil of Bengal. Sir, the present joint electorate in the Calcutta Corporation at least had one advantage and which is of the highest importance, namely, that at the time of elections, the children of the Province could at least by their combined effort keep out men who in their opinion had no sincere and real stake in Calcutta or who were averse to do any real good for the advancement of the children of the province of Bengal, both Hindus and Muslims. Sir, unfortunately the present Cabinet do not realize the gravity of the question.

I have no hesitation in saying that the present demand of the Cabinet for separate electorate for the Muslim community is definitely against the interest of the Muslims of Bengal. It will not be out of place to mention here one patent fact which is the result of the present agitation in India about Muslim representation in the public bodies by means of separate electorates. The net result of such agitation for special Muslim representation in the public services and on the public bodies in which my Bengali Muslim friends in the Central Legislature have always joined in chorus with the Muslims of other provinces in services is that with the support of Bengali Muslims, the Muslims of the Punjab and the United Provinces are enjoying all the benefits of service under the Government of India, whereas the sons of my brother Muslims of Bengal are as neglected by the Muslims of other provinces as ever. I am afraid, if the present Bill is passed with the help of my Bengali Muslim friends, it will only help the Muslims of other places outside Bengal to get a foothold in the administration of the Corporation of Calcutta. Sir, I would not have said a word against this Bill if the Government, instead of introducing separate electorates, would have reduced the franchise qualification thereby enfranchising a large section of the Muslims of the province who are poorer than the Muslims of other provinces carrying on business in Calcutta. Yesterday, Sir Nazimuddin cited some instances to show that by a lowering down of the franchise qualifications, the *busteewallas* should be voters of the Calcutta Corporation. The lowering of the

franchise would have made it possible for a larger section of the Bengali Muslims to have control in the administration of the Calcutta Corporation.

Then, Sir, I come to the question of nomination. My friend Mr. Lalit Chandra Das has already said that in the Government of India Act, the nomination system has been discontinued and discouraged. Sir, in these days of the spread of democratic ideals, I do not see any reason why there should be any power given to the Government to resort to nomination. If the power of nomination is required to adjust the claims of minorities like the Parsees, the Jews and the Buddhists or for the purpose of securing representation of women, let the Bill have definite proposals for such representation and my party will gladly support the proposal. I do not propose to do away with the nomination altogether, but there should be some principle in nominating a person either in the Calcutta Corporation or in other local bodies. On principle, I am against giving powers of nomination even to the future cabinets without defining any fundamental principle in regard to it, especially the principle which is to be followed by the present Government and by the future Government. Why should the Government keep the door open for criticism by nomination of persons who in the eyes of the public would be undesirable persons? So, some principle should be laid down in the matter of nomination. Moreover, in the opinion of the party which I have the honour to belong, there should not be more than five seats through nomination. Before I conclude, I must make another point clear. Sir, the present Bill gives 12 seats to non-territorial constituencies, namely, representation of the European Chamber and Trades Organizations, etc. It is really a surprise to me that the Government did not think it proper to represent other Chambers of Commerce such as the Bengal National Chamber of Commerce, the Marwari Association and Marwari Chamber of Commerce and the Muslim Chamber of Commerce. This suggestion has already been made by my friend, Lalit Chandra Das, and I join with him on this issue. I need not emphasize that all these Chambers of Commerce are recognized by Government, even by the British Parliament and they have allowed representation of such bodies in the legislature of this province.

Lastly, I may state that the accepted principle of representation either in the legislative body or in the local bodies by all Governments all the world over is based on three principles. Firstly, representation is given to different communities and classes of the people according to their numerical strength. Secondly, according to the taxes paid by each of the communities and classes, and thirdly, according to the percentage of population of each class. Sir, in the Calcutta Municipal Amendment Bill we find that neither of these three principles have been acted upon. Yesterday, Sir Nazimuddin had denied that this

principle has ever been followed elsewhere. He further went on to say that Sir Surendra Nath Banerjee in order to placate certain class of people had advocated this principle and followed it. But I am sorry he has not said what principle the present Government is going to follow. Sir, so far as my information goes, these are the three criteria of principles which are followed by every Government in the world, and I most vehemently contradict Sir Nazimuddin's statement. Sir, if we are to take into consideration the number of voters, we find that the Hindu community number about 70,000 and the Muslims number about 8,000 only. In the present Bill, the Muslims are being given 22 seats and according to that proportion the general constituencies should be allotted at least 176 seats. If we come to the question of population, we find that the total population of Calcutta is 9 lakhs of which 6,43,000 are Hindus and Muslims form only 2,00,000. I do not wish to dilate on this point, especially in view of the fact that my friend Dr. Radha Kumud Mookerji had dwelt on the point yesterday very carefully. Sir, if Government claim that the minority should be given some over-representation, I have no hesitation or quarrel on that score. I am one of those who fully support such a principle, provided here and now the Government accept that principle and follow it strictly to the letter. Sir, I do not wish to dilate the point more, but I wish that these points should be carefully considered and as public opinion has not been consulted as yet, I support the amendment for circulation.

Mr. HAMIDUL HUQ CHOWDHURY: Mr. President, Sir, it is with a feeling of regret that we heard the opening speech of Dr. Radha Kumud Mookerji yesterday. He was approaching the question from a prejudiced mind. He was only continuing the agitation which has been recently started by a section of the Hindu public against the Bill. The attempt to look at the question from a prejudiced mind without looking at the question from a reasonable frame of mind and understanding the real attitude of Mussalmans, will seriously prejudice the relationship of the Hindus and Muslims. Sir, at a time when our province is enjoying tranquillity so far as the relationship between the Hindus and Muslims is concerned, at a time when across the border we are witnessing every day serious and savage communal riots, there should have been no attempt to excite the feelings of the two communities by imaginary grievances. Sir, Dr. Mookerji and his colleagues have been trying to enlist the support of the entire Hindu community in an agitation against the Bill, and they have been placing facts and figures to prejudice the case without letting their own public to understand the real significance of the Bill. Sir, the points that have been made by Dr. Mookerji and those who are in agreement with his views are principally that the Bill has taken away

from the Hindus the dominant position which they have been so long enjoying in the Calcutta Corporation, and also that the Bill has given to the Mussalmans a share in the administration or rather in the representation on the Corporation more than they deserve according to their population or according to their contribution to the coffers and funds of the Calcutta Corporation. And thirdly, Sir, that the system of separate electorates is going to perpetuate a wrong upon the Hindus and also upon the Mussalmans.

Now, it is necessary, Sir, to examine how far the arguments that have been given by Dr. Mookerji are really based upon facts. The Calcutta Corporation, Sir, has got a population, according to the 1931 census, of about 11 lakhs and odd thousands out of which the population of the Hindus is 8 lakhs and odd thousands and the population of Muslims 3 lakhs and odd thousands. According to that, Muslim percentage is 26 (Dr. RADHA KUMUD MOOKERJI: Less than 24.) Dr. Radha Kumud Mookerji has said that it is less than even 24 per cent. Sir, he has got a knack of asserting certain figures without reference to the actual state of affairs. He has stated that the Municipality of Garden Reach was formerly a part of the Calcutta Corporation during 1931 census but it has now gone out. Therefore the Muslim percentage has been reduced from 26 per cent. and now it is 23·8. But he has overlooked the fact that the population of the whole Garden Reach area was 50,000 and that the whole of Garden Reach has not been excluded from the operation of the Calcutta Corporation; only a part has gone out. The most populous part of it, namely, the dock area, has been kept within the Calcutta Corporation. Then again, the entire population ratio of the Garden Reach Municipality shows that Muslims are less than 35 per cent. and Hindus are about 60 per cent. Therefore, Sir, even excluding the area which has gone out of the Calcutta Corporation, the Muslim percentage will be near about 26 per cent. and the Hindu percentage is 68.

Now, let us consider the implications of this Bill. What is the number of seats which has been given to the Hindus? Under different names seats have been given. Whether these seats are likely to go to the Hindus or likely to go to the Muslims is a question of simple calculation. Under the present Act, there are 92 seats, and under the proposed Bill there will be 98 seats. Therefore, there is an increase of 6 seats. Under the old Act, the general seats were 46; under the present Bill general seats are 47. Therefore, there is a decided increase of one seat under the head "General Constituency". That goes in favour of Hindus and not in favour of Muslims. Now, Sir, under the old Act we had 19 seats reserved for us. I will not touch the question of electorates now. Under the present Bill, we have got

22; so there is an increase of 3 seats. Under the present Bill another provision is made for two labour seats. There was no provision for labour before and either one or both of these seats are going to the Hindus.

Suppose that only one of them goes to the Hindus, even they will get an additional seat, namely 47 *plus* 1 = 48. It is being said that the number of general seats likely to be captured by the Hindus will be 45 and not 47. So long the Hindus have not been able to capture two general seats, namely, in Wards Nos. 15 and 16 and probably sometimes they have lost another seat in Ward No. 17. Therefore, under the existing Act, Hindus had only 43 from general seats but under the present Bill Muslim and Anglo-Indian voters having gone out of the General List in both these two Wards, namely, Wards 15 and 16, Hindu voters will be in a majority over the European voters and knowing as we do that Hindu voters never elect a non-Hindu, however capable the latter may be, the Hindus will get three additional seats over that given under the existing Act. Therefore, 47 *plus* 2 (labour) *plus* 3 nominated (Scheduled Caste) *plus* 1 (Port Trust) gives the Hindus 54 seats. In the present Corporation, their number is 50. Now, these 54 members will elect the 5 Aldermen, because even if all the rest combine, yet they will have only 39 votes. So the Hindus will have 59 seats and the rest only 39. This works out at 60 per cent. for the Hindus. As against this, Muslims who constitute 26 per cent. of the population will get only a little more than 23 per cent. of the total seats. That is, instead of giving any weightage, a minority is made a lesser minority, but the majority position of the Hindus is kept intact. I am now talking of one community *versus* another community. The whole trend of the argument of the Hindu community is that the votes of the nominated members will all go against the interest of the Hindu community. Speaking as a community, it cannot be said, Sir, that those Hindus who have come through the door of nomination did not or will not protect the interests of the Hindus. Sir, can it be said that a man who has been nominated a member of this House has sacrificed the interests of his community as such? They may have voted with the Government when there were no questions of communal interest involved. It will be seen therefore that the Hindus are starting with a clear majority of 20 in the whole House under the proposed Bill, as against a majority of 14 in the present Corporation. Can it still be said that the Bill is likely to jeopardise the interests of the Hindu community to such an extent that their legitimate and legal interests will be sacrificed in the Corporation by the very fact that the seats will be divided as indicated in the Bill? I repeat, Sir, that the Hindus will start with an initial advantage of having a large majority of 20 seats in the whole House, whereas under the old Act they were getting a majority of 14 to 16. The Bill has been mainly attacked because of the division of the seats,

or in other words, mainly from the communal point of view. I have shown that this is baseless and false. Dr. Mookerji asserted that 80 per cent. of the income of the Calcutta Corporation is contributed by the Hindu community. This estimate, according to Sir Nazimuddin, is based on no existing or available record nor is there any machinery at present to calculate the contribution by any particular community. These statements with figures are all imaginary. Some one starts saying that the Hindus contribute 80 per ceint. of the revenues of the Calcutta Corporation and some one else repeats it and ultimately Dr. Mookerji in all solemnity asserts that it is 82 per cent. just to give the figures an air of reality. All the same, both are fictitious. He has not been able to show that Hindus really contribute 82 per cent. or even 80 per cent. Now, let me examine the position of Calcutta from admitted figures and correct records. Calcutta is not a city which stands apart from the rest of the province. It is a part and parcel of the whole province. The position of Calcutta is due entirely to the fact that it is the official headquarters of the province and that it is also the commercial centre of the province. It is what it is because the commerce and other activities of the province are centred in Calcutta. The fact that Calcutta is the administrative centre of the province is the greatest factor in the creation of the position of Calcutta. Therefore, comparing what Calcutta contributes to the provincial exchequer with what she takes from the provincial exchequer, it will be found that she takes much more than what the province gets from her. Out of a total police expenditure of Rs. 2 crores, Calcutta gets a big slice, namely, Rs. 50 lakhs, *i.e.*, one-fourth of the total police expenditure of the whole province is contributed for the purpose of Calcutta from the general exchequer. Sir, Calcutta, at the cost of the poor agriculturists of the province, viz., the poor jute-growers, is getting Rs. 12 lakhs every year as a contribution from the jute cess for the improvement and beautification of this city. At the same time, though this is driving out the poor Moslem population from the city, its Improvement Trust has been ruthlessly pulling down the hovels of the poor Moslems and is driving out the poor Moslem population to the outskirts of the city. This Improvement Trust is maintained largely by the contributions of the poor jute-growers of this province to the extent of 12 lakhs. Calcutta is also getting the advantage of one of the best systems of medical treatment, best of hospitals, which benefit by far the largest number of its citizens. This city is getting a sum of Rs. 15 lakhs for this purpose from the provincial exchequer. If you take into consideration the amount paid for supporting the medical institutions, it comes to 22 lakhs. Calcutta gets from the provincial revenue nearly one lakh for maintaining the C. S. P. C. A. Calcutta gets 5 lakhs for the maintenance of some of its roads to the detriment of the interest of rural Bengal. Government are still required to maintain some of the roads, for instance, the Maidan Road, the Red Road and

roads leading up to the Race Course at Barrackpore for the benefit of Calcutta, at provincial cost. They are maintained from the general revenues at a cost which comes up to 6 or 7 lakhs of rupees. If you add together all these figures, it will come to 1 crore 25 lakhs. Calcutta's revenue is Rs. 2 crores 46 lakhs. A substantial portion of this is paid by the Provincial Government as rates and taxes and for maintenance of some particular services, by reason of the fact that Government is the owner and occupier of numerous buildings and houses. So, it will be seen what a large portion of the revenue of the entire province is spent on the maintenance of the Calcutta Corporation. In these circumstances, can you still say that you are contributing 82 or 80 per cent. towards the cost of maintaining Calcutta? Have the province of Bengal, and for the matter of that, the people of Bengal no voice in the administration of the Corporation of Calcutta? Therefore, I say that there is no point in what Dr. Mookerji has stated.

The Moslems have not raised this claim of separate electorate for the fun of the thing. From the day that representative government was being introduced by degrees in some form or other, to be precise from 1906, Mussalmans have raised their voice in demanding a share in the administration and transfer of power. The present system of representative government introduced in India has been altered by local conditions in many directions. Unalloyed transference of the representative system of government that is prevalent in England will do more harm to Indian conditions than good. You cannot introduce the same system here that prevails in England where a homogeneous people are living. You cannot say that it will act with the same success in this country as it has done in England. Therefore, where an area or a territory is inhabitated by different classes and races of people steeped in strong communal and racial prejudice, you have got to modify this principle to suit the local conditions. The introduction of representative government in the Eastern European countries sometimes led to results which have been the direct cause of war at different times, and a fresh war was just about to take place over the fate of the minorities there. The nations which were grouped together in one geographical boundary without any regard for the protection of the racial and religious minorities there, failed to keep the unity. In spite of the fact that the League of Nations had contrived many ways by which protection was sought to be given to a minority, in spite of the fact that they devised methods by which rights of the minorities could not be easily trampled upon by the majority, still the safeguards have failed. Here, you want to introduce an unalloyed system of representative government in which the majority can always suppress the minority, and minority becomes non-existent to all intents and purposes. Look at the provinces of Bihar and the United Provinces; the Moslem minority there does not exist so far as the actual Government of the

province is concerned. Their opinion is only taken as the opinion of a people not directly concerned. They are not in direct touch with the administration of the country. The Mussalmans want a share in the administration of the country. They do not merely want that in the Council Chamber they will have 25 or 50 seats. They want a share in the real administration of the country and they will not be satisfied with anything less. So long, as a minority they have been asking for this, namely, a share in the Government. Sir, in Councils and in Legislatures, it is the corporate voice which works and the majority voice is the voice of the whole body. Therefore, this system unless it is modified, at least, so long as racial and communal feelings remain in such intensity and unless some protection is provided, it has no chance of being a success. Separate electorate and reservation of seats are only some of the attempts to solve the difficulty of the minorities. But they have not succeeded anywhere in India. I will now tell you what has been the experience of the Muslim minority in the field of election itself when there was no reservation or separate electorate. Under the 1888 Act, 50 seats were ear-marked for being filled up by election. In 1892, the first general election after this saw 9 Muslims elected. Certainly, the Muslims were less advanced then than they are to-day. In 1895, 8 Moslems were elected from the general constituency; in 1898, 6 and in 1902, only 2. In 1906, 2 were returned; in 1909 also 2; in 1912, 1; in 1918, 1; in 1921, nil. And it was in this year that Sir Surendra Nath Banerjea brought in his Bill for amending the Calcutta Municipal Act by which the Corporation was given extensive power. Before that year, the Bengal Government used to give 4 nominations to the Mussalmans. Sir Surendra Nath Banerjea, the first Indian Minister to hold the portfolio of Local Self-Government, reduced it to 3, at a time when not one Mussalman was returned through the general constituency by election. It was in that year that Babu Amulyadhan Addy moved a resolution in the Calcutta Corporation that cow-slaughter should be stopped in the city of Calcutta and this resolution received wide support from the Hindus. This served to rouse the Muhammadan community to the danger to which the communal consciousness of the Hindu community exposed them, and thus the agitation for reservation of seats began, as well as for other methods for the protection of the interests of the Mussalmans in the city of Calcutta. A committee was called by Sir Surendra Nath Banerjea, in which there were Hindus and Muhammadans, to settle this question of communal representation. The Hindus were not prepared to give the Mussalmans a fair share. Look at the manner in which the Muslims are now behaving with the Hindus, and how when the Hindus were in power they behaved with the Muslims. The Hindu members' attitude was that in no circumstances were the Muhammadans entitled to more than 6 seats. Sir Surendra Nath Banerjea thought that he must have a safe passage for the Bill and so he provided for 13 seats through the joint electorate. The Mussalman

members gave a vehement opposition to this proposition. The Europeans proposed some sort of a compromise and ultimately 15 seats were allotted to the Muslims against the united opposition of the Muslims.

Now, Sir, admitting that Muslims are 26 per cent. of the population of this city, they were 26 per cent. then as they are 26 per cent. now. Were they then entitled to only 15 seats? That was the proposal which was then brought forward. Compare the proposals of the present Government, which you say is a Government mainly manned by Muslims, and under Muslim control. What have they provided for in regard to the Hindus? See the difference in treatment. These are the circumstances which have goaded the Muslims to ask for protection in this form. Muslims will have to seek for protection so long as this attitude exists in the minds of the Hindus. We want nothing more. We do not want to go into your sphere of influence. We do not want to cut down your own rights. We are perfectly ready to give you all that you are entitled to, but pray, recognise ours. Look at the thing as we look at it and try to understand our point of view as well. Do not look at things as if you have got only one eye and one ear which hears and sees only one interest. You have made up your mind which side you are going to support. You are advancing all the arguments, good or bad, only to establish that case. That is the lawyer's policy. Understand the real problem of the country. I will appeal to my Hindu friends, that if they want to bring about real communal unity in this country, if they want that the country should progress and if they believe that that progress cannot be attained without the unity of the two communities, let them revise their attitude. We have been for the last 150 years petitioning the British Government to remove our grievances, grievances in the field of education, grievances in the field of administration, civic or otherwise, grievances in the matter of services. We have been petitioning so long; you stood in our way and they were all rejected. By entering into a partnership, as Dr. Mookerji said yesterday, with the Europeans, the Hindus succeeded in denying the Muslims their just and legitimate rights. But the time has changed. You must realise the changed circumstances; you must realise that the Muslims have got some voice in the administration of this province now. So long they have been petitioning. Now they will naturally bring forward proposals for their rights being restored. At the same time, we are ready and anxious to co-operate with you. We are ready to solve the problems by sitting round a table and discussing the merits and demerits of the claims of different communities. You have been called to a conference to solve one of the outstanding questions, namely, the service ratio. Have the Hindus co-operated? They have not. True, a section of the Hindus have co-operated up to a certain stage, they have been trying to understand the Muslim's point of view and they are trying to solve the questions. But by organising wide opposition to a solution of these

problems, they are trying to create in this country an acute estrangement between the two communities, they are trying to enlist the entire Hindu community into leading a crusade against the whole Muslim community. By this, they are leading the country only to disaster and to darkness. Therefore, Sir, I would appeal to my Hindu brethren to pause for a moment and realise the real significance of the question.

Now, let us examine the state of affairs during the last 3 or 4 years and try if we can find any definite reason why this provision for separate electorate is being reintroduced. In 1936, a resolution was moved in the Calcutta Corporation that 25 per cent. of the services should be reserved for the Muslims. And what attitude did the Hindu Councillors take? You still take pride in the fact that you are more conscious in the matter of the progress of the country than ourselves. What attitude did you take? You said, "We are not going to concede anything like that." What was the result? All the Muslims as a protest resigned from the House. As far as we know, the Muslims of Calcutta boycotted the next election, but some Muslim gentlemen did not respect this mandate and got themselves elected, of course, unopposed. This Bill is supposed to be nothing more than a reply to these Muslim gentlemen. It does not want to give the Muslims a dominant position. It does not want to do anything like that. It keeps you Hindus where you were. Its only provision is that it provides for separate electorates. That is a punishment not against you, but may be construed as a punishment against those Muslim Councillors who are supposed to have flouted the opinion of the entire Muslim population of the city. But the real thing is still to come. We are not satisfied with this state of affairs. We will not allow the real causes of quarrel between the two communities to remain. If we can have a voice in the matter of framing the policy, we should always oppose that policy which keeps the wounds open. We shall try to heal them. What are our grievances in the administration of the Calcutta Corporation? We want administrative powers in proportion to our numbers. We do not want more. Give us a share in the administration of the Corporation. Give us a share of the Corporation patronages. Give us a share of the contracts. They will say, Sir, "Muslims cannot get the contracts because of their alleged lack of capacity." But who determines this capacity? It is you. You know, Sir, that one of the main grievances of the Germans in Czechoslovakia was that the Czechs never gave contracts to Germans. The Czechs told the world, as you tell, that they were more efficient than Germans. That is one of the causes why Czechoslovakia has lost her independence. Sir, I say attack those problems. These are the cankers between the two communities. Remove them. Do not try to conceal them. You cannot remove them by merely ignoring their existence.

Sir, I will repeat that so far as the Muslims are concerned, they have gained nothing by the Bill, except the doubtful benefit of

separate electorate. So far as the Hindus are concerned, they have lost nothing, possibly they have gained some more seats. Therefore, it is at best a harmless Bill. It is a Bill which possibly provides security against those Muslims who do not agree with the majority of the Muslims of Calcutta and flout the entire Muslim population of the city. It is only to prevent that state of affairs that this Bill has been brought. I will ask you to continue your search to solve the greater problem which still faces you and endangers the best relationship between the two communities. Upon a wise solution of all those outstanding problems possibly, depends the progress of this, and for the matter of that, of all the other provinces in India.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I do say that I agree with many of the arguments advanced by the last speaker excepting this. He mentioned that the provincial revenue helps the Calcutta Corporation inasmuch as it contributes towards the maintenance of hospitals, but he forgets—and my friend Mr. Coben who is a member of the Corporation will perhaps agree with me—that the Calcutta Corporation spends several lakhs of rupees for the maintenance of private hospitals, maternity homes, dispensaries, Kaviraji as well as Unani institutions. The second point where I differ is the reference to Sir Surendra Nath Banerjee's passage of the Calcutta Municipal Bill. Sir, I was a member of the Council then. I was a member of the Select Committee which considered that Bill. There were Muhammadan members who also served on the Select Committee and some of those gentlemen represented the Corporation—and mind you, Sir, the Congress people were absent from the Corporation in those days—and they agreed with Sir Surendra Nath Banerjee's principle, namely, granting of more seats to special Muslim electorates. The Muslim electorates were granted more seats than was due to them as Dr. Radha Kumud Mookerji said. There were three points considered —question of Moslem population, question of Moslem voting strength, question of payment of rates and taxes by Moslems—and Sir Surendra Nath Banerji agreed that there should be some weightage in the matter of Muslim representation. Therefore, the number which was then decided upon—I mean 13 seats—was more than due on a consideration of those three points.

Sir, I agree with Mr. Hamidul Huq Chowdhury that it is the administration of the Calcutta Corporation that requires drastic change, and I would have welcomed it if the second part of the proposed legislation could have been before us. The public would have been satisfied then that the Bengal Cabinet was tackling the problem really seriously—one of the worst problems that have to be faced in Calcutta, namely, the maladministration of the Calcutta Corporation. The urgency for the introduction of such an amending Bill is obvious. I will quote, Sir, from a nationalist paper, "Forward,"

founded by the late Mr. C. R. Das. (Voices from the Opposition: "No, no. This weekly 'Forward' was not founded by Mr. C. R. Das.") At least, this is a nationalist paper anyway. It is quoting public opinion, and it says in last Saturday's issue: "The public of Bengal feel corruption and disruption eating into the vitals of the Congress organisation of Bengal; they feel dictatorship, much abused when found in other's methods, has become the way of Bengal Congress; they feel the Calcutta Corporation—the Augean stable—has become the by-word of corruption; purse and not politics is the determining factor in Bengal Congress now."

Mr. NARESH NATH MOOKERJEE: Mr. President, Sir, is this relevant? Is it not seriously prejudicing the House?

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Later on, it says that "it is common talk in the city that Corporation posts are sold in advance and mandates and '*fatwahs*' are issued about filling up the vacancies in the Corporation." It is not new in this city and responsible rate-payers know all about it. But I am only repeating it for the information of every member of this House. "All these do not add to the prestige of the Congress. It seems nothing more than purse, power and patronage are the oriflamme of so many mutually warring factions rallying round the leader. Provincialism and communalism (of both Hindu and Muslim varieties) have already.....

Mr. PRESIDENT: Order, order. The hon'ble member must not read extensively from this paper.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: ".....provincialism and communalism (of both Hindu and Muslim varieties) have already made the Congress unpopular in Bengal. The reply to that Hindu communalism is the Muslim communalism now manifest in Bengal."

I have quoted public opinion to show that the affairs of the Calcutta Corporation are very badly managed, and it was high time that the Cabinet took notice of it and brought an end to it.

Sir, I now come to the question of labour which is the most important factor in the Corporation. Sir, the Congress bosses of the Calcutta Corporation preached from housetops "Daridra Narayanism," that is, to look upon service to the poor as service to God, but when it comes to actual practice, when it comes to the question of translation into practice, it is only an eye-wash: it is only a mockery. Sir, I shall give you facts and figures which nobody will be able to challenge There was a strike of several thousand scavengers in 1928 for fair wages lasting several days. What happened? The Corporation under

the domination of the Congress caucus committed to "Daridra Narayanism" went to the length of requesting the Commissioner of Police in order to break the strike, to arrest and prosecute some of them. Later on, they had to pass a resolution in the Corporation requesting the Commissioner of Police to release them and not to proceed with them after an agitation was started.

Mr. HUMAYUN KABIR: Who was the Mayor at that time?

Mr. KRISHNA CHANDRA ROY CHOWDHURY: It was Mr. Sen Gupta or somebody, in 1928.

Mr. HUMAYUN KABIR: It was Mr. B. K. Basu. Was he a great Congressman?

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Well, it is not the question of Mayor——

Mr. PRESIDENT: Order, order. The hon'ble member must address the Chair and must not listen to the interruptions of other members.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: The strikers were bluffed with an offer of Rs. 2 as strike pay after several days' strike. They resumed and the Corporation actually sanctioned this Rs. 2, but it was never paid, so far as my memory goes. Mr. Cohen is here and he will contradict me if I am incorrect. I quote from the speech of Babu Jitendriya Bose, a leading Councillor from Cossipore. He said in an open Corporation meeting on the 16th July, 1928: "The conservancy men went on strike in March, 1928. When having obtained an assurance, they resumed work, then the Corporation had to shelve the matter and bluff. After committing repeated breaches of faith on this question, it was just and proper that the Corporation should make some penance and they should not grudge this small strike pay." And this came from Mr. Jitendriya Bose, a highly respected Councillor and elected member of more or less Congress mentality.

Mr. RANAJIT PAL CHOUDHURI: What steps did you take, being a Councillor yourself?

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I protested with all the might that I had, but what was the value? I need hardly remind you that the scavengers belonged to the Harijan or to the favourite "Jan" of the Congress. Had they been caste Hindus or Bengal Hindus, they might have been treated better. I am now quoting

from a report which says: "Five hundred manual workers in the asphaltum road-making department are treated like cats and dogs. Only a few days ago one Bon Behary Sen, an employee of the Corporation and Secretary of the Asphaltum Workers' Union, was suspended for his trade union activities." May I Sir, quote the order of Dr. B. N. De, the pet boy of the Congress caucus, and this order should go down in the history of trade union movement in this province. This is the order, Sir, of the Chief Engineer: "I recommend that as this is his first offence, he may be pardoned and warned; also he should not take part in the Trade Union activities of workers and give up his position as Secretary of the Asphaltum Workers' Union." If such an order was passed by the Chief Engineer of any other public body, he would have been hauled up and punished. Sir, I wish to draw the attention of Government, specially of the Labour Minister, that he ought to take serious notice of the matter. It is a *bona fide* labour union and the man was suspended for attending the meeting as its Secretary. I shall quote another instance of Congress callousness towards the poor and working class. In 1925, in pursuance of my humble resolution, a special committee was formed for framing a scheme for housing the poor and working classes under section 468 of the Act of 1923. It was a statutory obligation. This committee sat for 3 years—this special housing committee—to house the poor and the working classes. I was elected by the Congress caucus to be the Chairman for one year. Several schemes were prepared. After exhaustive enquiries, one of them was accepted involving an expenditure of only 2 to 3 lakhs of rupees with an assured return on outlay of more than 5 per cent., but the Corporation dominated by the landlords shelved the question. Sir, all well-wishers of labour welcome the provision in the Bill for two special labour seats—one by election and one by nomination. Personally, I offer my congratulation to the Government for this provision specifying the qualification of candidates eligible for contesting from the labour constituency. In the Government of India Act, a mistake was made and this mistake has been rectified now. The Government of India Act did not mind whether outsiders or exploiters contested the labour seats for the Assembly and the result is what we see to-day. But I suppose the Labour Minister was clever enough to see the defect and he improved on it by providing that candidates for election must be workers themselves. This Bill will no doubt exclude me and many others who are not really workers. Under the Government of India Act or according to the recommendation of the Franchise Committee, persons who had nominal connection with registered and recognised unions contested labour seats and won them with the help of the Congress. But the present Bill excludes all outsiders and exploiters who do nothing but come and talk posing as great labour leaders, but who actually have nothing to do with *bona fide* labour unions. So, from the point of view of labour, the Government deserve

congratulation. It is an improvement upon the Government of India Act so far as the question of labour representation is concerned.

Regarding the apprehension that the Hindu majority will disappear or will be very much reduced, I agree with the Hon'ble Home Minister that the Hindus will have more or less 58 seats in a House of 98 including 5 Aldermen. I will not go into the reasons as the Deputy President has in the course of his speech shown among other things that this will be possible. I am almost certain that this will happen, namely, that 5 Aldermen will be elected by the Hindu majority, however small. As regards the issue of separate electorate *versus* joint electorate with reservation of seats, I must say from my experience of 17 years as a Councillor of the Calcutta Corporation that the affairs of the Calcutta Corporation did not improve very much under the present joint electorate, that is, after 1932 when joint electorate came into force. In fact, the administration of the Corporation has deteriorated progressively in spite of joint electorate.

Khan Bahadur M. ABDUL KARIM: Mr. President, Sir, I feel called upon to reply to a point or two raised in the very interesting speech delivered by Dr. Radha Kumud Mookerji yesterday, and I speak on behalf of this side of the House. I thank him for the ring of sincerity that pervaded his speech throughout and it behoves me to be equally sincere and clear-spoken in regard to the replies that I propose to give. Dr. Mookerji raised two points: in the first place, Dr. Mookerjee's grievance is that Government before introducing this Bill or getting it passed through the Lower House showed before introducing this Bill or getting it passed through the Lower scant courtesy to the Corporation by not taking their opinion upon it. Constitutionally, I doubt if it was the duty of Government to do so, but taking it for granted that was their moral duty that as a matter of courtesy they should have consulted them. we on this side of the House should have been disposed to partially accept his amendment for circulation, but unfortunately, Dr. Mookerji has cut the soil from beneath his own feet and has given us interesting figures in detail of the working of the Calcutta Corporation and of the constitution of the Calcutta Corporation. That being so, we have got sufficient material before us to come to a decision and discuss the matter so as to obviate the necessity of sending this Bill for circulation. We should have been prepared to accept his amendment, but he has himself given us facts which are quite sufficient for us to discuss the matter and come to a decision on the flood of this House. As to the second point, I would like to thank him for his sincerity and outspokenness. He has appealed to me in particular as the leader of this side of the House to see that we maintain our dignity as members of the Upper House by not saying ditto to what is dictated to us from

another place as members of the Coalition party, and he has exhorted us to be true Islamites in dealing with this question

On these two points, Sir, I can assure my hon'ble friend that we shall show true Islamic deal. Islamites as we are we shall show—and as a keen reader of history Dr. Mookerji himself knows as well as we do—that Islam came to the world to emancipate people and not to enslave them. That being so, there is absolutely no reason for the apprehension that we on this side of the House are the supposed henchmen of the Coalition Government. The burden of Dr. Mookerji's song is that this Black Bill, as they call it, has come into being only to crush the Hindu community. Dr. Mookerji is clearly mistaken in this view. If he believes that we are true Islamites, —and I assure him that we shall act as true Islamites,— the Hindu or any other community has absolutely nothing to fear from the administration being placed in the hands of the Mussalmans. There is an indirect hint thrown out in his speech and it is this, that we are now having a Muhammadan Government in Bengal. That, Sir, is entirely a misnomer. Whatever may be said of the other provinces being Hindu Governments, we cannot say that it is a Muhammadan Government we have in Bengal, because the generosity of the Chief Minister has led him to take 50 per cent. of his Cabinet from the Hindu community. Therefore, we can only say that it is a Hindu-Muhammadan Government, unlike that in the other provinces. The indirect hint in his speech was that when we the Muhammadans are in power in Bengal, we should see that the Hindus were not crushed. In the first place, Dr. Mookerji knows quite as well as we do, that in these days, with their equipment at its present stage, it is unthinkable and out of the question that the Muhammadans by reason of their education, by reason of their pecuniary position and by reason of their influence will be able to crush any section of the population in Bengal. Therefore, that apprehension too is unfounded. His next point related to the question of the electorate—whether the joint electorate as prevailing now should, as a matter of democratic principle, give place to separate electorate as contempated in the present Bill. Sir, on this point I had the privilege to have my say as the spokeman of the East Bengal and North Bengal Muhammadans before the Simon Commission in 1929, and I stressed this point very strongly upon the attention of the Statutory Commission and went so far as to tell them that they must see their way to give us at least two Muhammadan Governments in India—in the province of Bengal and the Punjab. Having regard to the fact that we, the Bengal Muhammadans, constitute a little over 43 per cent. of the Indian Mussalmans and the Punjab about 22 or 23 per cent., I stressed this point. Of course, the time at my disposal here is not sufficient to enable me to go over all the details and convince the House about the justice of the plea that I then put forward, but I can refer my hon'ble friends

to the evidence that I gave before the Statutory Commission on the 16th of January, 1929, of which there is a published record. But I will confine myself to one or two salient points in this matter. Sir, I am a confirmed believer in the utility and usefulness of having separate electorates for the different communities who inhabit this continent or the provinces. And unless age has added stupidity to ignorance, I still hold fast to that old view of mine, although it has been clouded very much by the developments that have taken place since 1929, in that they have made the relation between the two communities more bitter, although I had expected that this separate electorate for some time at least might have the effect of easing the situation and shortening the distance on the road to our political unity. The situation is going from bad to worse and my prediction has not been fulfilled. Therefore, I have become a pessimist, and you know why. Can any community blame us when we insist upon having a separate electorate as regards the administration of the affairs of the country? I remember that interesting disclosure in a very interesting book, Sir, John Lawrence's "My Viceroyalty in India", wherein he states that one of the biggest noblemen of India wrote to him when he went to England that his only ambition in India was to exterminate the Mussalmans. It was written as long ago as 1859 or 1860. Next, Sir, when the partition of Bengal was planned by Lord Curzon with the object of improving the lot of the illiterate mass of Mussalmans in that predominantly Muhammadan area, there was a historic agitation by the Hindus, because they thought and felt that with the education of the Muhammadan population their vested interest would cease. That was natural. I do not blame them for that. That is only human nature. And when we remember that although the proposal for primary education was first mooted by the late Mr. Gokhale, nothing has been done towards educating the illiterate Muslim masses, who form the backbone of the nation, the stronghold of the nation, when we find that these Congressmen with their activities all round have not moved their little finger to improve their lot, can any Moslem be blamed for thinking that it is impossible to expect people having vested interests to change the existing order of things. These are facts, these are matters of history with which we are not unfamiliar. If a review of this position does create distrust in our mind and we cannot believe that they will go against their own interest, can any Muslim be blamed for insisting on separate electorate? What is our conception of communalism? It appears from the speeches of our Hindu friends that there is only one thing under the sun; it is Muhammadan communalism,—no Hindu communalism, no European communalism, no Parsee communalism. Every Christian, every Hindu, every Mussalman, every Parsee, every Jew, every nation of the earth, when he finds that any matter affects himself or his community, he takes interest in that. That is another form of communalism. Now,

we find that as a matter of fact after a lapse of a little over 150 years since the grant of Dewani to the British, the Muhammadans are decaying from day to day and they have been reduced to such a position that by Divine dispensation it is only time that they should try to of desperation and despair. That has generated a feeling of utmost despair and Islam with all its potentialities is bound to rise Phoenix-like from its ashes. What have the Muhammadan leaders been doing to consolidate their own ranks? In asking for communal rights and privileges what do we really ask for? We ask only for the means by which any community may feel free to give what it can to the common cause of the country. That is our conception of communalism; that is the reason why we want separate electorate. We must feel free, every community—the Muhammadans, the Christians, the Hindus—all communities must feel free to give what it can to the common cause of the country, retaining their distinctive culture and their distinctive genius. Is there any objection, Sir, to having so many units in the Indian Army —the Punjabi Regiment, the Gurkha Regiment, the Sikh Regiment. We are so many regiment-wallas. Let there be struggle for, say, the ultimate object of independence of India, in which the Muhammadan Regiment, the Hindu Regiment, the Parsee Regiment and other regiments will march shoulder to shoulder for the salvation of the country. That is our conception of communalism. Why do you stand in the way? We all know nationalism encompasses communalism, and communalism is only a step forward of individualism. We always grow into a wider circle from individuals. From my own interest I go to think of my community's. When I find that my community is able to hold its ground against the advancing forces of time, I think of nationalism; from nationalism I develop again into universalism, "বসুধৈব কুটুম্বকম্" That is the last phase of political as well as spiritual advancement.

Now what is your objective? Just as an upcountry proverb says—আও যাও, ঘর তোমারা, খানে মাঙো—দুষমন হামারা। "Come and go, just as you please; the house is yours. But if you want to eat anything at my table, well, you are then my enemy." Is not that your basic mentality? As a matter of history, where do we stand now? We the Muslims had the sovereignty of India. In course of time just as empires and kingdoms have decayed, we have done out of political existence. Now, the question is, what is the Hindu perspective? Muhammadan conquerors are gone. The European conquerors sit like "Sindbad the Sailor" on the shoulders of the old man of the sea. You want to get rid of both of these foreigners, and if there is any the least semblance of combination between the Muhammadans and the Europeans, it is because of their common danger, for the Hindu population is against both. Distrust has brought us together.

They want Europeans out; they want the Muhammadans out—the objective and activities of the Hindu Mahasabha—these are matters of history, and I do not want to dilate. The situation is born entirely out of distrust. When we are fit, we shall join you. Sir, unequal combinations should be avoided, because it is always disadvantageous to the weaker side. We do not like to combine with the Hindus, because we are still unequal; we run the risk of merging our own existence into that community. Let us be strong. Let us fight together for respective supremacy, both having the common objective, the good of the country. That is our conception, and we are actuated by no other considerations although Dr. Mookerji said, "Do not be carried away by passion, do not be carried away by any undue sense of dominating over the Hondus from whom you have received benefits in the past." We know we cannot do without them, but at the same time, we have to act in separation for some time, so that we may put our own house in order. You put your own house in order, and then we both march out together for the common object. That is our conception of communalism, and that is the idea with which we have all been working. As I have already said, it is impossible for the Muhammadans at the present stage to reduce your position. Counting of heads won't do. One Hindu of influence in the rural area can subdue and dominate the will of 10,000 Muhammadans. You have no reason to fear. You are all right. Let us go and march *pari passu*. If you think of Indian nationalism, you stop your chariot for some time. Let me go by my cart, and then we shall go hand in hand together like friends. I won't go the length of an eminent English judge who said in a very sensational semi-state trial that "as between Hindus and Muslims, there cannot be any agreement, because there is a natural antagonism between tolerant pantheism and rigid monotheism." I won't go to that extent. I know education is a thing that helps just to gulf the difference between the two. But what I am sorry for is because you are not helping any improvement. As a public man having had to do with all shades of opinion, all shades of culture, all kinds of communities, my personal experience has driven me to be a pessimist, and it is only because of some prominent agitators of the Hindu community. I do not blame the community as a whole, it is because of the leadership of some, that misguided leadership that is embittering to-day the relations between Muhammadans and Hindus and also widening the gulf between Hindu, Muhammadan and European interests.

Mr. HUMAYUN KABIR: Mr. President, Sir, there is nothing so irritating as when a perfectly good case is spoiled by bad arguments. Sir, in connection with the discussion and agitation that has been

going on about this Bill, that has been my feeling on many occasions. There is a perfectly good case against this Bill. Because apart from any other considerations it is, if I may be permitted to use the term, a stupid Bill. But instead of calling it a stupid Bill, instead of calling it an unnecessary Bill, the attack on the Bill has been from a point of view which instead of doing any good to those who oppose the Bill, has only exacerbated the feeling between the communities, has only raised communal passions, has only led to the creation of an atmosphere in which passion blinds the reason of men and enables the passage of a Bill of the type which we are considering at the moment. Sir, I agree with a great deal of the sentiments of the hon'ble member who has just sat down, but I would only request him to go a little further along his own line of thought. The statements he has made are in many cases correct statements. Much of his analysis is quite true, but unfortunately he does not follow to the logical conclusion the line of his own argument His criticism of Hindu leadership is right up to a point, but why does he stop there? Why does he not go a step further and say that the leadership of Muslims in India has been equally unfortunate?

Again, Sir, when he says that communalism in the true sense of the term is a good thing, I think there are few persons in this House or elsewhere who will disagree. It is not an easy thing to be a communalist, and it is unfortunate that in our country this is a much-abused a much-maligned term. A real communalist is one who can subordinate his own selfish interests to the interests of his community. A real communalist is one who can identify himself with a community, with a group and in this way abandon and sacrifice his own personal interests, his own personal ambitions for the interests of the larger whole. Therefore, Sir, in European countries even to this day, the term communalist is a term of praise: a communalist is one who feels for the community. Unfortunately, Sir, I cannot agree with the hon'ble member who has just sat down when he thinks that in India there are many communalists There are few real communalists in India. There are self-seekers, there are selfish persons, and it is this confusion of selfish and communal interests, this mixing up the idea of seeking one's own interest with the idea of seeking the interest of his own community which is responsible for so much of the misery from which we suffer to-day.

Again, Sir, I fully agree with the hon'ble member who has just sat down when he says that separate electorate has done us no good. In his long experience, he has found that it does not in any way assuage the ill-feeling between communities. In his long experience he has found that it has not created better feeling between Hindus and Muslims. At one time he had hoped that separate electorates might do this. Therefore, because this proved a failure, he must still go

on with it, and therefore he must to-day support separate electorates." I confess I cannot follow the line of his argument. If in 1928-29, he felt that for a temporary period separate electorate might create confidence in different communities and might be necessary as a transient measure, there might have been some justification for it. But his greater experience to-day should have convinced him that this way does not lie the salvation of India.

Sir, on another occasion a few days ago I was trying to explain to this House about the communal tension in this province. What I said in regard to this province applies probably generally with regard to India as a whole. But, Sir, unfortunately, time did not allow me to draw the conclusion which was inevitable from the analysis which I placed before the House. It is inevitably clear to the mind of anyone who has a clear intellect and can look at the question dispassionately, that the only remedy of the present state of affairs is to have this question considered by the two communities together in a calm manner. It has been the interest of the third party, namely, of British Imperialism, to divide and rule. Therefore, it has set up sometimes the Hindu middle classes against the Muslim middle classes and sometimes the Muslim middle classes against the Hindu middle classes. It has tried to hold the balance between the two rival communities and egged them on, though not always consciously or directly, but nevertheless, by the force of economic circumstances, by the pressure of events. And the only solution to that problem or tangle, is the creation of an atmosphere in which the two communities might realise the stupidity of standing separated from each other and the need of coming together and jointly realising their common destiny. But, as I said a moment ago, a good case is often spoilt by bad pleading, and I might say that even though it was indubitably clear that the only conclusion which could follow from the analysis that I put before the House was that the solution of this problem lies in unity between the two communities, Hindus and Muhammadans, and the creation of a common solidarity, yet, Sir, some papers which call themselves or rather miscall themselves nationalist papers have found that the only conclusion from my speech was that there should be separate electorates. It may be a case of utter failure of intelligence, but when public opinion is guided by persons who lack intelligence or perhaps lack the desire to acquire correct information, then we come to the condition of affairs in which we unfortunately find ourselves to-day. Our leaders very often for their personal interests misguide the masses. Our newspapers for various considerations misguide the masses, and add to our troubles. But we must try to steer our course in a way so that passion does not sway our judgment. We must look at a question dispassionately and specially where intellectual analysis has to be brought to bear upon a problem. It is not very often here but more often in another place, that passion

has been imported in our speeches and sometimes I myself may have been guilty of making remarks which may have offended individuals here and there. If there has been any such occasion, through you, Sir, I should like to tender my apology to the House, but I would only say that if I have attacked anybody, it has been under great provocation. But even if provoked we should not attack. We should rather appeal to reason or to the intellect of those with whom we do not agree. Therefore, in considerating this question, even if we differ from our colleagues, we should not allow passion to carry us away, or allow our prejudices to blind our intellect, but calmly and dispassionately consider the question and decide what is best for the two communities, best for the country and for India as a whole.

After all, what happens in Calcutta is not an isolated thing. I could not agree with the conclusion of the speech of Mr. Hamidul Huq Chowdhury, but with one point in his speech I agree, and that is that Calcutta is not an isolated fact in Bengal. It does not stand by itself, it is a part of the province as a whole, it is a part of the organised life of the province, and not only of the province but of India as a whole. Therefore, whatever happens in Calcutta has its repercussion on the whole province. But I do not think that Mr. Hamidul Huq Chowdhury brought any new or fresh argument to bear upon the question of separate electorate and joint electorate. In passing, I shall make one or two remarks about his speech. It is a fact that the Provincial Exchequer spends a great deal of money for Calcutta, and it is not correct to say that the entire revenue of Calcutta is derived from the rate-payers of Calcutta, for there are many other sources from which money comes to Calcutta. But Calcutta also pays back to the province much of what she gets. Let us take the Medical College and Medical Hospitals in Calcutta. They are not for the people of Calcutta alone, but for the province as a whole. Then the question of income-tax and the jute-tax also comes in and what Calcutta contributes to the revenues of the province. Therefore, it is not true to say that Calcutta only takes but does not give. Sir, as it takes, so it gives also; and anyone who understands economics knows that you cannot take unless you give. Therefore, the argument which Mr. Huq Chowdhury has advanced is not borne out by facts.

Now, Sir, coming back to the Bill which we are considering to-day, I shall go back to the first statement I made. It is a stupid Bill and an unnecessary Bill. I fully agree with Sir Nazimuddin when he said yesterday that a majority was assured to the Hindus even though it was but a slight majority. There is little doubt that even under the proposed Bill, 54 seats will be under the control of the Hindus. Of the 47 general seats, it is almost certain that 45 will go to the Hindus and they may also get the votes of the three Scheduled Caste Councillors who even though nominated—and although it is said that a nominated

member has no community, no religion or caste, but is expected to vote only with Government—yet there are occasions when even nominated members will turn and it has been found that on occasions even a nominated member will defend the interests of his community. (Dr. RADHA KUMUD MOOKERJI: But let them come through the general electorate.) I am coming to that, Dr. Mookerji, please do not anticipate. Then it becomes 45 *plus* 3 or 48. The two labour seats are also certain to go to the Hindus, that makes 50 Hindus out of 93 Councillors. I am not discussing this matter from a political point of view at this moment. If these 50 Hindu Councillors can combine, they are sure to elect 5 Aldermen of their own choice, or even if they fail to capture all the seats, they are fairly sure to capture at least 4. That gives them 54 members in a House of 98, which is nothing but an absolute majority.

My point is that this Bill which maintains the communal position of the Hindus and yet irritates them for nothing is a stupid Bill and an unnecessary Bill. If I understood aright the intention of the framers of this Bill, there are two principles behind this Bill—one is that the representatives of the Muhammadans should be such as enjoy the confidence of the Muhammadan community, and to that question I shall come in a moment. But there is another element in the motive of the framers of the Bill and that is that the Muhammadans in the city of Calcutta should have a larger share in the administration of the city and in the control of its affairs. But will that purpose be fulfilled? If you raise communal passion, if you divide the communities on communal lines, Hindus for Hindus and Moslems for Moslems, then persons of a particular political party may not be returned, but will it improve matters? I shall try to convince the House that it will be a misfortune if, instead of political parties being reflected in the Corporation, we get groups of individuals who stand for no well-defined principles and policies. Friends opposite may have their objection to individual Congressmen, but can they deny that as an organisation, as a political body, it is by its very constitution and aims committed to further the common interests of all the communities? If instead of the Congress, a party is returned which stands for Hindu interests alone and is flagrantly communal in the sense in which that term is used here in India, will it lead to a better state of affairs? Will this give to the Moslems of this city a greater share of control in the administration of the Corporation?

It is a generally accepted principle that where there is intense communal consciousness it is the minority which has to suffer. I think, Sir, that the hon'ble member who has just sat down and many other members who have spoken from the other side of the House have misread their history when they think that separate electorate gives any protection to a minority community. Separate electorate can never be a means of protection to a minority. It is always the majority

which gains by separate electorates. If you have water-tight compartments where a majority only votes for the majority, then by mere force of number they will return men who will be elected by a communally-conscious electorate and press the interest of that particular community, and the minority, however able it might be and however sincere and devoted it might be, voting only for their minority community, cannot stand against the combined onslaughts and attacks of a communal majority like that. Therefore, Sir, in a community where communal consciousness is keen, it is the minority which will suffer, as was mentioned more than once on the floor of this House. It is no protection to a minority if that minority does not have a voice in the return of those who form the Government, if the minority has no voice, if it has no control in the election of members who will control the destinies of the province or of the city. Therefore, as I was saying a moment ago, separate electorates are never a protection to any minority.

Now, Sir, let us come to the facts as they are in Calcutta. There is no denying the fact that Mr. Shaheed Suhrawardy, although I differ radically from his politics, is a very able man. Although we differ in politics, yet so far as his ability is concerned there is no doubt about it. Let us now assume that we return 22 Shaheed Suhrawardys to the Corporation. What happens? Moslems voting on communal lines return 22 Shaheed Suhrawardys; but 22 Shaheed Suhrawardys will be of no avail against 54 duffers elected by the Hindu community, assuming for the sake of argument, though it is hardly likely to be the case, that only duffers are returned by the Hindus. If this division is on communal lines, then these 54 duffers will be 54 times as effective as all the Shaheed Suhrawardys communally sent. Therefore, I urge once more that in a separate electorate it is the minority which always suffers. If there is joint electorate, there would be this protection to the Muslim community that candidates of the Hindu community will have to go to the Muslim voters. Nobody can then hope to be returned unless he secures a certain percentage of Moslem support. There is no denying the fact that whenever there is an election contest, different men of the same community will fight with each other. Mr. Nalini Ranjan Sarker will perhaps fight with, let us say, Mr. Sarat Chandra Bose. Both are men of considerable ability, both have considerable followers in their communities. Even though in the circumstances of to-day Mr. Sarker does not enjoy much confidence of the Hindu community, yet it is not impossible to imagine in political developments a contingency when this support may be forthcoming. If such a situation did arise, if there be two candidates of ability among the Hindus, it may be that the Moslem votes will turn the scale. Even apart from the Moslem votes received in a joint electorate, the candidates dare not make any appeal which will arouse the passions of the Muhammadan

community, which will set the Muhammadan community against the Hindu community or vice versa. They must depend on the common suffrages of the two communities. The machinery of election will be organised in such an atmosphere and in such a manner that bitter feelings will not be evoked. Reason will be given every chance to be felt and better feelings will prevail. Therefore, in such a case it is the minority which will suffer whenever there is a communal separate electorate.

One point which the separate-electorate-minded people bring forward is this: It is true that in the election of the members of the majority, the minority has a voice, but in many cases it may not be a predominant or telling voice. Let us take again the present condition in Calcutta. If Mr. Nalini Ranjan Sarker and Mr. Sarat Chandra Bose seek election in the present circumstances of Calcutta, there is no doubt whatsoever that even if Mr. Sarker gets all the votes of the Muhammadan community, Mr. Sarat Chandra Bose will be returned with an overwhelming majority. For, to-day in Calcutta there are about 1,000 general votes for every 300 Muhammadan votes. Therefore, the defenders of separate electorates might say that if this happens in the case of the Hindu candidates, what about the Muhammadan candidates? Suppose, one of them gets 290 Muhammadan votes and 200 Hindu Votes, but on the other hand, the other candidate gets 700 Hindu votes and he is returned, although he gets only 10 Muhammadan votes. In the case of separate electorates, a man is returned to the Corporation who enjoys the confidence of the Muslims who return him. That is the only argument which I have been able to think of on behalf of the *Separate-electorate-wallas*, if I may coin a term like that. But nevertheless, Sir, even this argument is faulty; and not only that, it is possible to think of a safeguard,—a formula under which it should be laid down that no Mussalman will be returned to the Corporation or to the Legislature or to any other body unless he enjoys a considerable fraction of the support of the men of his own community. I have had discussions with certain members both of the Coalition Party and of the Congress on a certain formula which might give us a chance of coming to an amicable settlement, in which it will be prescribed that no man can be returned who does not enjoy a considerable proportion of the support of both the communities. If we have a provision like that that no candidate will be returned, whether he be a Hindu or a Muhammadan, unless he enjoys 25 per cent. of the votes cast by the men of each community, then it will be of great use in overcoming the communal tangle. Here, we have the best method of safeguarding the interests of the minority, because the minority here is assured that only those men are going to the Corporation who enjoy a proportion of its own support and at the same time also enjoy the confidence of the majority community. Moslems will be

returned in whom Hindus have confidence and on the other hand, the Hindu candidates will also have to satisfy their own community as well as the minority community. Therefore, protection for the minority community lies not in separate electorates and in dividing them from one another but in devising some other scheme. But unless a better situation is brought about, we cannot come to any such scheme——

Mr. PRESIDENT: Is Mr. Kabir going to finish in a couple of minutes?

Mr. HUMAYUN KABIR: No, Sir I will take at least 10 minutes more.

Mr. PRESIDENT: Then I will adjourn the Council now till 8 a.m. to-morrow.

Adjournment.

The Council then adjourned till 8 a.m. on Wednesday, the 24th May, 1939.

Members absent.

The following members were absent from the meeting held on the 23rd May, 1939:—

(1) Mr. Humayun Reza Chowdhury.
(2) Mr. Nagendra Chandra Datta.
(3) Khan Bahadur S. Fazal Ellahi.
(4) Alhadj Khwaja Muhammad Esmail.
(5) Mr. Mohammed Hossain.
(6) Maulvi Muhammad Akram Khan.
(7) Khan Saheb Subidali Molla.
(8) Begum Hamida Momin.
(9) Mr. H. P. Poddar.
(10) Rai Bahadur Radhica Bhusan Roy.
(11) Rai Saheb Jatindra Mohan Sen.
(12) Mr. D. H. Wilmer.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 24th May, 1939, at 8 a.m. being the fourteenth day of the Second Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Outbreak of fire in Kandi subdivision.

68. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how many villages in Kandi Subdivision in the district of Murshidabad suffered from outbreak of widespread fire during the last two months?

(*b*) What is the number of houses in each village burnt down and how many families were affected?

(*c*) What is the approximate loss in each village?

(*d*) What steps has the Government taken to relieve the distress of these sufferers?

(*e*) Is the Government making any enquiry as to whether any agricultural loan will be required?

(*f*) Does the Government propose to postpone realisation of any agricultural loan already due from the people who suffered from fire?

Minister in charge of the REVENUE DEPARTMENT (The Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) 15 villages.

(*b*) and (*c*) A statement containing the information asked for is laid on the table.

(*d*) and (*e*) A sum of Rs. 1,238 has been distributed as gratuitous relief among the destitute families and a sum of Rs. 10,000 is being distributed to those whose stocks of grain have been destroyed.

(*f*) Yes.

Statement referred to in the replies to clauses (b) and (c) of Question No. 68.

Name of police-station.	Serial No.	Name of village.	No. of house burnt down.	No. of families affected.	Approximates loss.
1	2	3	4	5	6
					Rs.
Burdwan ..	1	Biprasekhar ..	91	38	21,000
	2	Cafulia ..	107	36	22,447
Kandi ..	3	Jiadara ..	45	18	1,154
	4	Gokarna ..	34	19	1,372
	5	Jaohari ..	77	51	5,557
Bharatpur ..	6	Padmur ..	119	39	15,875
	7	Amlai ..	32	21	3,850
	8	Hatpilkhundi ..	50	25	3,520
Khargram ..	9	Mahmadpur ..	41	18	1,870
	10	Kasigram ..	71	27	5,570
	11	Khargram ..	70	34	8,384
	12	Manikpara ..	25	11	1,655
	13	Mahisar ..	6	4	280
	14	Augram ..	35	16	2,420
	15	Parulia	196	80	30,242
Total 14 thanas	15	villages	999	437	1,26,196

The Bengal Tanks Improvement Bill, 1938.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, with your permission, I have the honour to give notice that I propose to move that the Bengal Tanks Improvement Bill, 1938, as passed by the Assembly on the 19th August, 1938, as passed with amendments by this Council on the 7th March, 1938, and as further amended by the Assembly on the 21st April, 1939, be taken into consideration during the current session of the Council.

Mr. PRESIDENT: The House will now resume discussion on the Calcutta Municipal (Amendment) Bill, 1939.

The Calcutta Municipal (Amendment) Bill, 1939.

Mr. HUMAYUN KABIR: Mr. President, Sir, yesterday I was trying to place before the House the considerations which should govern us in providing for the administration of municipal affairs, and I was suggesting to the House that the scheme which has been drafted by the Government in the proposed amending Bill will, instead of giving any protection to the minority, in fact go against the interest of the minority. I was trying to suggest to the House that it is no protection to a minority if it has no voice in the election of those who will form the majority and therefore run the administration. In the proposed Bill, 22 seats will be given to the Mussalmans but through separate electorates, and the inevitable corollary of that is that the Hindus also will come through separate electorates. And, therefore, Mussalmans will get no chance whatever of influencing the election of the Hindu candidates to the Corporation. I was also suggesting yesterday that even at the lowest estimate, 54 Hindus will be returned to the Corporation, and these 54 Hindus will be returned through an electorate in which the Mahomedans will have no voice at all and of which the Mahomedans constitute no part. And therefore, these 54 Hindus will not have to think of, will not bother themselves at all about how the Muhammadan electorate reacts to their particular act or decision.

This is, Sir, particularly dangerous at a time when communal passions have been roused as they have been roused at the present time. In times when things are normal, when there is amity prevailing between the two communities, a majority of this community or that community might not matter. But after the pin-pricks which have been so often and so unnecessarily given by the present Government to the Hindu community of Bengal, it is unnatural to expect that the Hindu community will be able to maintain equanimity at this time and look at this question with that dispassion which public affairs always deserve. Yesterday, I was suggesting that I did not agree with many things said or done by Mr. Shaheed Suhrawardy, but nevertheless I never questioned his ability, and I was also suggesting that even if 22 Suhrawardys were sent to the Corporation, these 22 Suhrawardys would have no say whatsoever against the votes of the 54 Hindus, assuming that the 54 Hindus sent to the Corporation were all persons devoid of any ability or intelligence. Even these 54 figure-heads would, in such a case, prove more effective than the 22 able persons sent by the Muslim community. Therefore, separate electorates instead of giving any safeguard or any special protection to the Mahomedans which they demand, instead of doing any good to the Moslem community, will cause them injury, will cause them harm.

I was further suggesting that there was perhaps only one argument which the separate-electorate-wallas, if I might coin the word, might advance in favour of separate electorates. In places, where there is a preponderant majority of one community under a joint electorate, a man from the minority community might be returned with the votes of the majority community. A man might be returned who enjoys the confidence of the majority, but not the confidence of the minority, which he is specifically expected to represent, and this is perhaps the only ground which those who are in favour of separate electorates might advance. But, Sir, we have to weigh in the balance the advantages and disadvantages of such a scheme. As I was suggesting a moment ago, if we give special protection to minorities, in doing so we shall sever the two communities from each other, and if we have these water-tight compartments, then we shall be absolving the Hindu candidates from all necessity of appealing to the Muhammadan electorate, and Mussalmans will then have no voice whatsoever in the election of Hindu candidates. Therefore, even though it might be said that the Muhammadan representative might be a representative of the Muhammadan point of view, yet there is no chance that he will be able to influence the decision of the Corporation.

Therefore, towards the end of my speech yesterday, I was suggesting some device, some formula by which the genuine apprehensions of the minority might be removed, and at the same time some scheme might be evolved in terms of which the two communities might work together. In saying this, I am conscious that the formula I am going to suggest will mean a great deal of sacrifice on the part of the Hindu community. It is not a concession to the Hindu community, but to the Muhammadan community; it is a concession from the Hindu community to the Muhammadan community. The formula which I am suggesting is one under which no one will be returned unless he enjoys 25 per cent. of the votes cast by the electors in both the communities. We are in a way, bringing the return of the Hindu community within the competence of the Muhammadan electors, so that the Muhammadan electors will have an effective voice in the return of Hindu candidates. What is the *quid pro quo* in such a transaction? On the one hand, the Hindu community has a voice in the election of the Muhammadan candidates and on the other hand the Muslim electorates will have a voice in the return of the Hindu candidates. The Muhammadan candidates, whether A, B, or C, must enjoy at least 25 per cent. of the Hindu votes which have been actually cast in an election. Therefore to that extent, Hindus will determine who among the Muhammadans will be returned, but in return for that what am I asking the Hindu community to offer? In return, I am asking that the Hindu community should agree to a scheme in which their candidates will equally have to depend upon the votes of the Muhammadan

voters. They must also equally secure 25 per cent. of the votes cast by the Muhammadan voters. Therefore, Sir, the transaction is largely in favour of the Muhammadan community, and though I know that I am being partial to the community to which I belong, yet I believe that in view of the broader considerations which we have to face and in view of the need of creating a better atmosphere, for a better Bengal and for a better India, I believe that the Hindu community will rise equal to the occasion and make this sacrifice.

I do not yet know what the reaction of the Hindu community as a whole will be to this scheme. I have discussed this matter with certain of my friends, some of them have agreed, and some of them have not fully agreed, while there are some others who disagree. Nevertheless, I have the hope that if a compromise of this sort, if a formula of this sort is generally acceptable to the Muhammadan community, the Hindu community will probably rise to the occasion. In return for the control which they will exercise upon the return of the 22 Muhammadan candidates, I hope they will be willing to offer to the Muhammadans the right of a voice in the election of 47 General councillors. Here, therefore, under the scheme which I am offering before the House, the Moslems will have the right to determine and influence the election of not only the 22 Moslim councillors as proposed in the Government Bill, but also in the election of 47 *plus* 22 or in all 69 councillors out of the 93 who would constitute the Corporation. But the main ground I am pressing for such a solution is that it will eliminate communal ill-feeling and restore better relations between the communities. It is a special protection that I am asking for the minority, for it is a combination of the principles of minority representation proportionate to the voting strength with the system of straight voting now in vogue in the Corporation. In proportionate representation, the minority always secures its rights and in direct voting the majority always gains. This combination of proportionate representation and direct voting will, I believe, give the Muhammadan minority that protection of which it seems to stand in need. Though I personally think that the Muhammadan community is not in need of any protection, though I personally think that they will be able to hold their own in open competition, I have yet suggested this formula for removing fears, if any, in the mind of the average Moslem. It is because of this that I have differed with persons who claim to be leaders of the Muhammadan community in India to-day, for I feel that they are unnecessarily weakening the community and, if I may use a strong term, emasculating the community by always insisting upon special privileges on the ground that the Muhammadans cannot compete on equal terms with other communities. That is a position, Sir, which I have never accepted and shall never accept. And all the plea for separate electorates, special privileges and safeguards are put forward only because, these leaders who

for many historical reasons—which will again take me very far from the subject and will possibly require more time than I can give to it to-day,—these leaders do not have that confidence in themselves which leaders of a community should possess. Yesterday, I referred to some of the reasons for their attitude, namely, their personal interests were a greater factor in this than the interests of their community. However, this matter is neither here nor there.

Now, Sir, to return to the question which I was discussing. This formula which I was suggesting, this compromise will give the General electorate of Calcutta the right of electing 69 councillors out of 93, and not merely that, it will compel every one who wants to be a candidate to frame his election programme in a way that will appeal to the common interests of the two communities. That I think is the most important element in the formula I am suggesting. If the election programme is framed on the lines of common interest of the two communities and if special safeguards are given to the minority community —I do not for a moment understand why Muhammadans should be afraid. In fact, as I have suggested earlier, it gives the Muhammadans far more than they have a right to demand. It will be in fact in the nature of a concession granted by the Hindu group, but a concession agreed upon between the Hindu and Muhammadan communities. And I have the hope that the great Hindu community will rise to the height of the occasion.

That, Sir, is one part of the scheme which I am suggesting. Into its details I need not go now. I will make my remarks on them when I shall move my amendments. I will then discuss the different alternatives which are possible and I hope this House will consider the details which I shall give later. Then, there is the other question—what is the purpose of the Bill? Yesterday, I tried to suggest that one of the motives behind the Bill seem to be to secure an increase of the share of Muhammadans in the control of the Corporation and I think I have demonstrated to the House, and I believe that there is nobody in this House who will disagree when I say that this new Bill does not give any additional control to the Muhammadans but reduces them to the position of a perpetual ineffective minority. Because, so long as these divisions are on communal lines and consolidated on that basis, it will not be possible for them to transcend those barriers and appeal to the Hindus on the ground of a common policy. And the second objective may be that this Bill wants that those Muhammadans alone shall be returned who enjoy the confidence of the Muhammadans that is to say, of their own community, but the formula which I am suggesting, whilst avoiding the pernicious features, the stupid features, of the Bill, yet at the same time gives the Muhammadans that protection which they demand. As I was saying before, the present Bill is quite unnecessary and stupid, because it will not give any additional power

to the Muhammadans but will only irritate the Hindu community for nothing. If it were a real question of transfer of power from the Hindu to the Muhammadan community, we might have understood if some communalists wanted it, but unfortunately, it does nothing of the kind. It gives no power to the Muhammadans and only irritates the Hindus for nothing.

In addition to the fact of a preponderant majority of Hindu voters, there is also preponderance in the rates paid by the Hindus to the coffers of the Corporation. Then, on population basis, the voters list, and on rates, the Hindus have a preponderant majority in the Corporation, and even though Sir Nazimuddin questioned some of the figures that Dr. Radha Kumud Mookerji advanced, he did not question his general facts. He took them for granted, and it may be that the figure which Sir Nazimuddin gave might be more correct. But even if these figures are correct, the broad fact remains that on this estimate the Hindus certainly have a right to claim that they shall have an effective majority in the Corporation. Has this Bill done injustice to that claim? Again, I could understand if the Government desired to increase the number of Muslim voters. But, Sir, if you want to increase the number of Muslim voters, what is the procedure to be followed? Is it the procedure which is advanced in the Bill? There is no proposal for the lowering of franchise in this Bill. If a Bill had been brought by the present Ministry to lower the franchise of the Muslims of Calcutta, to give adult male franchise to the Muslims of Calcutta, I think all members of this House would have accepted it. There might have been a few exceptions, but almost all members would have accepted it. If there were any proposal to increase the number of Muslim voters and in this way give them additional strength in the Corporation that would be understandable. Nothing of the kind is proposed to be done. Sir Nazimuddin made a great play of the point that at present there is a high property qualification and because there is a high property qualification, many of the Muslims who on the whole form the poorer element of the community in Calcutta, are not to be found in the list of voters of the Calcutta Corporation. What proposals are there to remedy that state of affairs? None whatsoever.

Then against, Sir, since the Hon'ble Mr. Fazlul Huq is here to-day—as very often he is not found in this House—I want to refer to one fact in connection with his election. He was, Sir, returned on the Congress ticket; there is no denying it. He was returned on the Congress ticket and the occasion on which he was defeated, he was defeated by a candidate of the New Muslim Majlis, a candidate set up by the group which was controlled by Mr. M. A. H. Ispahani and Mr. Nooruddin, a group which then claimed to be the sole guardian of the Muslims of Calcutta. It was a candidate on a Muslim Majlis ticket who beat him, because he stood on a ticket of joint electorate, because Mr. Huq

then stood on a ticket in which there was an appeal to communal unity, in which there was an appeal to communal solidarity, in which there was an appeal to good working and good fellowship between the Hindus and Muslims. It will not do for Mr. Fazlul Huq to say, as he did in another place, that he got only 13 Hindu votes. That I think is something which nobody can know. Nobody can know how many Hindus and how many Muhammadans had voted for him. There is no way of distinguishing from a look at the papers which is a Hindu vote and which is a Muslim vote. The proposal which I have placed before this House might in future enable us to distinguish that, because I have suggested that there should be separate voters' list for the Hindus and Muslims in a joint electorate, and the voting paper will be of a different colour in future if my amendment is accepted. In the past, voting paper of the same colour without any distinguishing feature was given to all candidates. How can Mr. Huq or any one say that he got only 13 Hindu votes and the rest were Muslim votes, and particularly as I have mentioned a moment ago the candidate who won was one who stood definitely on a communal ticket? After the re-election, it is true he was returned uncontested but it was on the Congress ticket, not on a communal ticket. Therefore, Sir, the argument that joint electorates will return those candidates who do not enjoy the confidence of the Muslim electorate is not true. I do not for a moment question that probably Mr. Fazlul Huq does not deserve to enjoy the confidence of the Muslim electorate. I do not question that, but nevertheless it is a fact that he does enjoy the confidence of the Muslim, and so long as things are what they are, so long as circumstances in Bengal do not change he will perhaps enjoy the confidence of the Muslim electorate. I do not for a moment question that, —there is no use blinking at facts,—even though as I said a moment ago, it is my conviction that by his action and by his inaction he has forfeited the right to enjoy that confidence. But I do not want to bring those questions into discussion here. Therefore, Sir, the argument which has been advanced in another place that under joint electorates only those men are returned who do not enjoy the confidence of the Muslim electorate is not correct, because Mr. Fazlul Huq, Mr. Shamusddin Ahmed and Mr. M. A. H. Ispahani, who is to-day such a great champion of the rights of the Muslims alone in supersession of the interests of Hindus,—all these men were returned under joint electorate. And Mr. Suhrawardy will also go back to his earlier days—I was then a student at Serajgunge, and I saw him presiding over the Youth Conference—when he was a sort of a flaming petrol preaching communal amity, preaching communal co-operation, preaching communal solidarity over the length and breadth of Bengal.

The Hon'ble Mr. H. S. SUHRAWARDY: I still do so.

Mr. HUMAYUN KABIR: Well, I am very glad to hear that. I only hope that he will kindly distinguish between preaching and action, that he will practice his preaching, and if he does so, he will always enjoy that respect which in the past he has enjoyed from us.

However, Sir, I return to the question before us. It is not, therefore true that under joint electorate only those men have been returned who enjoy the confidence of the majority community and not of the minority community. I think I have sufficiently demonstrated the fallacy and the utter baselessness of a statement like this. And besides, in the formula which I have suggested, I am providing that safeguard to the Muslims in a much stronger manner, in a much more realizable manner, in a much clearer manner than has ever been the case in the past; and I appeal to Mr. Suhrawardy, particularly because in the matter of Calcutta Corporation he has probably a great deal of voice, to consider the suggestion which I have made in the light in which it is offered. It is not offered in a partisan spirit. It is, therefore, for the Government to consider and if they accept it, I think they will allay the communal passions which have arisen to-day. As a Government, they should remember that even if they get this Bill on the Statute Book, supposing by some means or other this Bill is passed——

Mr. PRESIDENT: Order, order. May I request the hon'ble member to try to conclude his speech now? He has already spoken for more than 50 minutes, and this is the third day of the discussion on the consideration motion.

Mr. HUMAYUN KABIR: Well, Sir, I will finish in two or three minutes.

As I was saying a moment ago, the Government may carry through this measure—there is always a probability that with the majority behind them they will do it, even though the Government have found on more occasions than one that their confidence in this House is not always justified; because this House examines all questions from a rational point of view and not from a partisan point of view, because this is an Upper House, a revising Chamber, a House which exercises its discretion and has exercised discretion on more occasions than one. Even though this Government have a very good chance,—I do not for a moment question that they have a very good chance of carrying through this measure,—there is also the probability that they may not. But on the other hand, if some sort of a compromise is effected, if some sort of formula is accepted, in that case the Government can get a compromise formula through this House, through both the Houses without any difficulty. Let us assume that this has become an Act. Communal feelings will have been exacerbated. There will be rabid

communal feeling between Hindus and Muslims in Calcutta and with consequences which as a Government they should always remember and try to avoid. All sorts of possibilities are there, a civil disobedience movement or any sort of agitation on the part of the Hindus. Let us assume that the Congress goes out of the picture altogether, that it takes no part in the agitation—if only the Hindu Mahasabha organize an agitation against this Bill, even then the Hindu Mahasabha by itself will be sufficiently powerful to give plenty of trouble to the Government. As a Government, it will be their first duty to do everything to preserve the peace, everything which maintains good feelings between the two different communities. Therefore, a compromise of that type should be acceptable to this Government.

Before I conclude, Sir, I will say that there is only one feature in this Bill which I think is a welcome move, a definite improvement, namely, the inclusion of two labour seats, even though the conditions which have been attached are not satisfactory. Trade unions must be not only registered, but they must also be approved. What is the meaning of this, Sir? Any trade union that is registered is enough. Why should they satisfy the Government? Why should it be approved by the Local Government? Here, Sir, it seems to me that the Local Government is usurping to itself powers which it should not have usurped. It is trying to shut out genuine trade union activities. Sir, in spite of that defect, I think that the inclusion of two labour seats in the Calcutta Corporation is an improvement.

I am afraid, Sir, that my time is up and you will not allow me any more time. Before I conclude, I will do it with this appeal. Mr. Fazlul Huq to-day is the head of the Government of Bengal. He should look at questions not from a partisan point of view, not from a personal point of view. Very often he may have been attacked, sometimes attacks in different quarters may have been even unjustified; but after all, one who is the head of the Government in a province must always be prepared for such attacks. The moment a man assumes charge of a Government, he ceases to be an individual. As a king has no private act, has no private capacity, so Mr. Fazlul Huq should also remember that if he is here, he is here in a public capacity, and whatever may be said against him, is said against him in his public capacity. Therefore, he should give evidence, as he on one or two occasions in the past did give, and rise above petty considerations, rise above mere *zid*. I think, Sir, that this Bill is nothing but the result of a *zid*. I am sorry, Sir, I have not sufficient time to develop my arguments about the spurious agitation which sprang up during 1936. At that time, I was not taking any part in political affairs. I was then a detached observer, a student not even of political science but of literature and philosophy, and from my aloofness. I could look at the facts as they were developing before my eyes. I

remember, Sir, how a very strong section of Muslim opinion sought to avoid that agitation, how even Mr. Fazlul Huq at one time did not identify himself with that agitation. Later on, after he fell ill, circumstances to some extent forced him into the current, and it was an agitation which was got up. Every one of us knows, Sir, that a determined and small organized minority can in such agitations defeat the purposes of the majority, and when the elections were held, there were perhaps many who probably genuinely did not want to go to the elections, but there was a greater percentage who wanted to join in the elections but who were through fear, through sheer physical fear forced to non-co-operate in the election. I remember one particular case, the case of the late Khan Bahadur Haji Khalilur Rahman—whom I think Mr. Fazlul Huq knows—who went to vote and who was assaulted because he had gone to vote. Pressure was exercised, he was prevented from taking part in the election, and the agitation which was got up assumed proportions which its origin did not justify. I, therefore, Sir, conclude with an appeal to the Government to consider dispassionately this suggestion that I have thrown out. This is a matter which should certainly be dispassionately considered. At the very beginning of my speech I said that passions may be aroused too easily, but it is difficult to calm them, it is difficult to assuage them. Let not Mr. Fazlul Huq act as one who arouses passion; let him act as one who assuages passion: let him act as one who brings peace and amity between the communities and not as one who brings discord and hatred; let him act as one who achieves his success on the co-operation of the two communities, who achieves his success on the good feeling and solidarity of the two great communties of Bengal, and is remembered as a peace-maker and a man of good-will.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, during the last two days we have had enough discussion over the question of the merits and demerits of the Bill under consideration, and at this stage I do not propose to waste the valuable time of this House by treading over the beaten track. I want to confine myself mainly to the amendment moved by our esteemed friend Dr. Radha Kumud Mookerji, save and except one or two words by way of general observations. Sir, my Hindu friends have made a general grievance against the Bill that it contains provisions which are detrimental to the best interest of the great Hindu community. I want to show just the other side of the shield and point out to what extent the Muhammadan cause has been advanced in this Bill. Sir, on a reference to the last page of the Bill, it appears that 12 seats have been allotted to 3 special constituencies. These constituencies which are non-territorial may be more properly styled as commerce and industry constituencies. Commerce and industry play a great part in the civic growth, development of a city being inter-connected with the development of its commerce

and industry. In that view of the matter, I have no reason to grudge the franchise being extended to mercantile associations, such as Bengal Chambers of Commerce and Calcuta Trades Association but, Sir, if that privilege has been allowed to the Bengal Chamber of Commerce and Calcutta Trades Association, may I ask the guardians of the Muhammadan interests to explain why the same privilege has been denied to the Muslim Chamber of Commerce? I do not deny that the Bengal Chamber of Commerce and the Calcutta Trades Association have helped the civic growth to a great extent, but is it not a fact that the Indian Commercial Chambers and Associations have contributed in no small measure towards further development of the city? In this matter it seems that the Government of Bengal has outwitted even His Majesty's Government by ignoring the rightful claims which have been recognised even under the Government of India Act. Thus I feel constrained to observe that if the Bill in its present shape is not acceptable to the Hindus, it is not less unacceptable to the Mussalmans.

Now, Sir, to turn to the amendment moved by Dr. Mookerji. The Calcutta Municipal Act is the masterpiece of the achievements in the legislative sphere of Sir Surendra Nath Banerjea of revered memory, once the uncrowned King of Bengal. I have no hesitation in acknowledging that this Act is the result of his life-long devotion to politics and a fine product of the foresighted statesmanship of that political *guru* of Bengal. If we decide to lay our hands of destruction on this magnificent edifice of local self-government constructed by that great architect, we must be satisfied that there are serious defects in the original plan of the structure or that that type of edifice has now become obsolete. This requires a thorough examination of the question in the light of public opinion. In that view of the matter, my general sympathy goes out in favour of the amendment so ably moved by the learned doctor. Sir, I feel tempted even to go a step further and feel inclined to observe that the Government has not proceeded with this Bill with that amount of caution which is essential in handling a measure involving serious questions of communal tension and resentment. It seems that the idea of this Bill was conceived during the excitement of the General Elections and it has generated so much heat that it has warmed up a very powerful section in the country. At a time, Sir, when peace and tranquility are reigning over Bengal, at a time when terrorism has been stamped out of the province, no measure calculated to aggravate the situation should have been undertaken without properly inviting and carefully weighing public opinion. In this connection, Sir, I would like to read a passage from a reported speech of no less a personage than the gentleman who now occupies the exalted office of the Chief Minister of this province. May I, with your permission, read the passage, Sir? This was in connection with the second amendment of the Calcutta Municipal Act in 1933. At that

time, the Bill was being considered after obtaining the opinion of the Calcutta Corporation, the only institution which was going to be affected by the Bill. "The Hon'ble Minister referred to the fact that the Bill was introduced so long ago as April, 1933, but I beg to point out that although it was sent to the Corporation for its opinion, it was not really circulated for eliciting public opinion and I do not think any harm will be done if prominent citizens of Calcutta and public bodies and associations and people who will be directly affected by this Bill be asked their opinion as to what they think of its provisions. The Calcutta Corporation has certainly condemned this Bill, but it should not be allowed to have the last say on the subject. There are others also who are equally interested in the management of the affairs of the Corporation. In view of the fact that some of the provisions of the Bill raise important questions of principle, it is very necessary that the opinion of the outside public should be obtained and it is for this reason that I suggest that before the Bill goes into Select Committee, it should be circulated for eliciting public opinion. Because I object to certain portions of the Bill on principle, I cannot bring myself to vote for its reference to a Select Committee straight away. But I thought it my duty to bring to the notice of the Council through the Hon'ble Minister that there is a strong feeling not only in this city but also throughout the country that an important legislation of this character should be subjected to thorough public criticism before it comes up for final decision in the Council." In 1933, this was the opinion of the present Chief Minister of Bengal. Fortunately, he is present in this House to-day, and naturally, I shall look up to him for an explanation as to what has brought about this change upon him in respect of the procedure in connection with this Bill. Sir, I have shown before that the Bill is acceptable neither to the Hindus nor to the Muhammadans of Bengal, but at this stage, Sir, when the Bill has emerged out of a Select Committee of the Lower House after protracted sittings; at a time, Sir, when every clause of the Bill has been thrashed out in the other Chamber of the Legislature and discussed threadbare; at a time Sir, when public opinion has been adequately ventilated through the press and the platform, at a time when the opinion of the Calcutta Corporation,—though not officially,—is in our possession, I do not propose to support the amendment for circulation of the Bill and I would request Dr. Mookerji not to press his amendment. On the other hand, let us proceed dispassionately with the consideration of the Bill, let us put our heads together and devise ways and means for its improvement, if there is room for such improvement, keeping consistency with the dignity of the House to which we have the honour to belong. Let us proceed with an unbiassed mind keeping the good of our motherland in front of us and forgetting for the moment our narrow party politics. I still hope that it is not beyond the range of all possibilities to find out

a common platform to meet together, face to face. With these few words, Sir, I support the original motion for the consideration of the Bill.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, after the very remarkable speech of my friend Khan Bahadur Abdul Karim yesterday, I thought that it would be unnecessary for me to take up the time of the House in reply to the criticisms that have been levelled against the provisions of the Bill. But the personal references to me which have been made by Mr. Humayun Kabir and the various allegations in which he has indulged, as also various other matters extraneous to the Bill, have all compelled me to make not only my position clear but to remove certain misapprehensions which might arise on account of the misstatements of which my young friend Mr. Hymayun Kabir has been guilty.

I will begin with his reference to my election to the Calcutta Corporation under a system of joint electorate. At that time I had not definitely put myself forward as a Congress candidate, but there were dissensions in Congress camps and when one party supported the candidature of my rival, I thought that it was open to me to get the support of the other section of the Congress—not that I had signed any Congress creed or anything of that kind, because at that time I was really a member of the Congress itself. I had been so for more than 25 years, and I severed my connection along with Mr. Jinnah, Mr. Muhammad Ali, Mr. Shaukat Ali, and others, because we were thoroughly dissatisfied with the manner in which the Congress had been drifting into communalism and communism of the worst type and description. (Cries of "question, question" from the Congress Benches.) You may question and any one may question but, Sir, that is the reason why I gave up the Congress. We had to decide and I did not take legal advice from anybody. We were satisfied that the Congress was drifting into communalism; we may have been right, or we may have been wrong.

In that year when I was a candidate for election to the Calcutta Corporation, there were seats reserved for the Muhammadan community through joint electorates, and in ward No. 19 from which I was a candidate, there was one seat reserved for the Muhammadan community. My friend Mr. Shrish Chandra Chakraverty knows the facts very well, he will bear me out, and if I am wrong, he will please correct me. Ward No. 19 is the ward where there are about 1,500 voters, of which 300 are Muslims and 1,200 Hindus. According to the constitution, for a seat reserved for a Moslem, none but a Moslem should come and offer himself as a candidate. When I was a candidate, my candidature did not find favour with the vast majority of Hindu voters in that ward. I will not attempt to discuss the reason why, but I am merely stating the facts. They, therefore, set about finding a Mahomedan who would

be pleased to come forward to oppose me, and lighted upon one Abul Baset, a police court pleader of two years' standing at the time, who came forward to oppose me. Mr. Humayun Kabir has waxed eloquent over the impossibility of my having known how many Hindu votes I had secured. But let me tell him that I knew who were my supporters and who were my opponents, and I challenged the election of Mr. Baset on the ground of bribery, corruption and other malpractices. The whole of the polling boxes were brought up to the High Court and scrutinised, and it was possible for us to find out how many Hindu votes I had polled. I will not go into the reason as to how it could have been done, but as a matter of fact one of the issues resolved itself into this that, under the orders of Mr. Justice Ameer Ali, the whole ballot boxes were thoroughly scrutinised—but whether I had received 13 or 23 Hindu votes does not matter. The fact is clear, however, that I had received a very small number of Hindu votes and that there was an overwhelming majority of Hindu votes polled by Mr. Baset that enabled him to defeat me. I challenged that election and got that election set aside. On that occasion also Mr. Baset again appeared as a candidate, but he was ruled out, because he had been declared disqualified by the High Court on the ground of having been guilty of corrupt practices during that election. My friends who had been opposing me thereupon set about finding some other Mahomedan candidate, but no one came forward and I was elected unopposed, not on Congress ticket, but because nobody came forward to oppose me. Now, Sir, I need not dwell further upon this incident. If Mr. Humayun Kabir wants to make capital out of the fact that I was elected to the Calcutta Corporation under a system of joint electorate, let me tell him that because there was that joint electorate and the Muhammadans had not the right to vote for their candidates that I got defeated and that was the only defeat I got in an election during my whole career of 40 years. I was never defeated except on that occasion, and that was because it was a joint electorate and I was unacceptable to the Hindu majority. Sir, this is exactly what happened under a system of joint electorate with reservation of seats. If the electorate is overwhelmingly Muslim, no Hindu will have a chance unless he subscribes to Muslim views. If the electorate is overwhelmingly Hindu, no Muslim will have a chance unless he subscribes to the views of the Hindus. There is no possibility of free expression of political opinion.

Mr. HUMAYUN KABIR: Not under my formula?

The Hon'ble Mr. A. K. FAZLUL HUQ: Your formula is absolutely worthless. It is a travesty of the formula of the late Mr. Mohammed Ali, but it has not the saving grace of that formula.

Mr. LALIT CHANDRA DAS: You better give the saving grace.

The Hon'ble Mr. A. K. FAZLUL HUQ: Now, Sir, the difficulty under the system of a joint electorate lies in this that where, as in India, there are communities sharply divided among themselves, diverse races, communities, classes and creeds with different outlook on life and prejudice so strong that they cannot be ignored, it is idle to expect that a voter belonging to one particular community will easily be induced to get over his prejudices and vote for a candidate of another community on a consideration only of the requirement of public good. It is very easy to preach this doctrine, but anyone who is acquainted with the realities of life will bear me out that it is impossible to expect such high ideals from an ordinary voter. Not only that, but pressure is put upon a voter by a particular community to vote in a particular way. All his independence is gone. Therefore, everyone has recognised that under the present circumstances in India, separate electorates for the various communities are the only solution for sending to public bodies representatives of the various communities, classes or interests. Sir, I have heard it said in connection with the debate on this Bill that the separate electorates are responsible for the creavages and the divisions of the people into various communities and castes and creeds. Separate electorates are only of recent origin. But the difference between a Hindu and a Muslim has been the difference of centuries. A Hindu is not a Muslim nor is a Muslim a Hindu. The difference is there and cannot be ignored simply because a Hindu is a Hindu and a Muslim is a Muslim.

Dr. RADHA KUMUD MOOKERJI: But not in the Legislature.

The Hon'ble Mr. A. K. FAZLUL HUQ: In the Legislature also, there are different view-points and because there are differences in view-points my friends on the opposite side hold one view and the legislators on this side hold another view, and in the country itself—no question of Legislature—the Muslims in many cases hold one view and the Hindus hold another view. Over this Calcutta Municipal Bill, an attempt has been made to rouse the whole Hindu community into a fever heat of agitation. The Muslim community has not joined that agitation. And it is not correct to say that this Bill is unacceptable both to the Hindus and to the Muslims. It may be unacceptable to the Calcutta Hindus, but it has not been unacceptable to the Hindus outside Calcutta; again, it is not only not unacceptable to the Muslims of Calcutta, but the Muslims of Bengal have welcomed it; and if that challenge is thrown out I can say that there will hardly be more than half a dozen Muslims who will have the courage to stand out and say that this Bill is bad and is unacceptable to the Muslim community.

Mr. HUMAYUN KABIR: More than half a dozen.

The Hon'ble Mr. A. K. FAZLUL HUQ: If it is not half a dozen, it may be a dozen or let it be a dozen and a half. I don't mind.

Now, Sir, it has been said by my friend Mr. Abdul Hamid Chowdhury that at a moment when the country is so very calm after all the turmoil of assassinations and terrorism and other things, why do we introduce a measure which has roused such public agitation? Now, Sir, as Government we have got to initiate policies which we consider are for the public good, and simply because it will give rise to agitation we should not be and we cannot be deterred from what we consider to be our duty to the people. It is because there will be some agitation, we cannot sit quiet and refuse to undertake any measures which we consider necessary for good government. If there is agitation, we will meet it. Threats of civil disobedience have been thrown out. Let me say here and now that if the time comes when any unconstitutional agitation is started, we will know how to meet the situation. We will not be cowed down by threats so long as we consider that the path we are treading is really the path of duty. If we feel that we have been on the wrong path, we will at once acknowledge our mistake and retrace our steps. But up to now we are firmly convinced that what we have done we have done in the interests of the civic administration of Calcutta.

Now, Sir, there cannot be any doubt that the Congress has been in charge of the civic administration of Calcutta ever since the Act was placed on the Statute Book for 16 years, and there is hardly any one who can have the hardihood to say that the Congress administration of the affairs of the Calcutta Corporation has not been a most lamentable failure. Time has come to put that administration on the right footing. My friend Mr. Abdul Hamid Chowdhury has said, the edifice is there, why lay profane hands on it? The edifice is there; we allowed the Congress to enter it, but they have desecrated that edifice and we want to turn them out and put its administration in other hands.

Now, Sir, I will come to the charge that we have reduced the Hindus to a state of helplessness in the Calcutta Corporation. I have repudiated that charge and I am presently going to show that that charge is absolutely groundless. Sir, at the present moment there are 77 elected Councillors, 10 nominated Councillors and 5 Aldermen. The elected seats we have raised from 77 to 85 and out of these 85 seats we have allotted 22 to Muslims, 12 to special interests, 2 to labour, 2 to Anglo-Indians, making a total of 38. Thirty-eight seats have been given to Muslims, special constituencies, labour and Anglo-Indians. The general seats are 47. Now, in these general seats the Muslims and Anglo-Indians will have no right to vote and anyone who will consider the condition of the electoral rolls under the proposed Act will find that in every constituency the Hindus are in a most overwhelming

majority except one, ward No. XV or XVI. Even there, the European and the Hindu votes are practically equally balanced. Everyone knows that the Europeans do not very much like to go to the general poll and fight out an election either with the Muslims or Hindus or others. They know how to mind their own business. Therefore, the chances are that these 47 seats will be captured by the Hindus; it may not be by Congressmen but by Hindus certainly. Now, Sir, along with that we have reserved 8 seats to be filled by nomination, and of these three will definitely go to Hindus—at least 3 by nomination. Now, I would like to know if my friends of the Opposition maintain that a Hindu ceases to be a Hindu merely because he is nominated, but that a Hindu is a Hindu who is elected on Congress ticket and is against the Government. We certainly, as a Government, do not wish to put anti-Government people in the majority, but we have given the Hindus a majority, that is to say, we have given them three general seats by nomination. That makes up 50 as against 43.

Mr. LALIT CHANDRA DAS: Why don't you put them through election, these three?

The Hon'ble Mr. A. K. FAZLUL HUQ: Because we wanted to give the scheduled castes a chance, and therefore we have given them 4 seats reserved in the general electorates and 3 seats by nomination.

Mr. LALIT CHANDRA DAS: Why don't you reserve 7 seats in the general electorate?

The Hon'ble Mr. A. K. FAZLUL HUQ: Because we wanted to make it sure that anti-Government people may not be there. Certainly, we do not want that the Congressmen should become a majority, because I know if I make these three general seats, these would be captured by scheduled castes through the influence of the Congress. Congress would have come in disguise. Certainly I am not a hypocrite. I try to bring down the Congress to a minority, not the Hindus. Here, my friends are making a distinction between Congress Hindus and non-Congress Hindus. Do my friends want to contend that the non-Congress Hindus are not Hindus? At the time of counting of heads, you count Congress Hindus as well as non-Congress Hindus and scheduled castes and everything, but at the time of division of spoils you leave out of consideration the scheduled castes and non-Congress Hindus. I do not think this is fair to the members of the Hindu community.

Now, Sir, there will be 50 seats as against 43 if they combine and it is quite certain that they will be able to win over a few of the Muhammadan Councillors by holding out some kind of attractions to

them. It is certain that they will be able to win the 5 seats allotted to the Aldermen. Therefore, they will be in possession of 55 seats. I count 58; however, 55 is certain. Therefore, Hindus will be there in a majority although it will not be the Congress. Now, the agitation that is carried on is done on the basis that the Hindus have been reduced to a minority. Let them be honest and let them tell the country that the Congress have ben reduced to a minority. Let us see how much response they get. I am sure they won't see much enthusiasm even in the ranks of the Hindu community, because the Hindus know that the Congress has mismanaged the affairs of the Calcutta Corporation to such an extent that the time is overdue when some reforms should be undertaken. So far as this Bill is concerned, this Bill really is not what we want to do with regard to the improvement of the administration of the affairs of the Calcutta Corporation. That represents the second part that is coming. And this Bill is only with regard to the elections. Something very definite is coming in the other Bills which will put the affairs of Calcutta beyond the control of those who do not know how to manage the affairs of a big city.

Mr. LALIT CHANDRA DAS: Please put your own house in order, first? Are you going to make the Corporation a department of Government?

Mr. PRESIDENT: Please do not interrupt the Chief Minister when he does not give way.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, we are not going to make the Corporation a department of Government but we are going to make it an institution which will be a real servant of the people. It has nothing to do with Government. Government is here to see that the people's rights are vindicated. Government is not going to apply for any post in the Calcutta Corporation! Sir, it has been said that this Bill is the effect of an unholy conspiracy between the Coalition Party and the European Group. Sir, it is a most unjust, unfair and most unjustifiable remark to make. Let me tell the House that after the Bill had emerged from the Select Committee in the Lower House, members of the European Group actually approached me to reconsider the position and give the Hindus more seats than they have got.

Mr. SHRISH CHANDRA CHAKRAVERTI: In that case, you would not have dared to displease the Europeans.

The Hon'ble Mr. A. K. FAZLUL HUQ: Well, Sir, I am only stating a fact, and that fact is that far from the Europeans conspiring

against the Hindus, they have been pressing upon the Government to give them more seats, and it was on account of a conference which we held with the leader of the European Group in the other House that we did increase the Hindu representation by one. And they were satisfied that the Hindus were not in a minority although the Congress may or may not be in a minority. Therefore, it is most unfair to say that the Europeans have conspired with anybody in order to deprive the Hindus of Calcutta of their legitimate rights in the Calcutta Corporation. Nothing of the kind, Sir. As a matter of fact, those who have watched the Europeans doing their duty in the Calcutta Corporation must bear unhesitating testimony to the fact that they have given of their time and energy to give to the Calcutta Corporation an ideal in the matter of subordinating their personal interests to the higher consideration of civic duties. Europeans were there and it is on their account that the administration of the Corporation has not deteriorated into something worse.

Mr. SHRISH CHANDRA CHAKRAVERTI: Did not the Europeans call you dishonest?

(There were many interruptions from the other side of the House.)

Khan Bahadur ATAUR RAHMAN: Sir, are we attending a debating club that the Chief Minister should thus be frequently interrupted?

Mr. PRESIDENT: If any hon'ble member wants to interrupt the Chief Minister, he must rise in his seat and must put his question only if he gives way.

The Hon'ble Mr. A. K. FAZLUL HUQ: Whether the Europeans called me dishonest or not, I am not going to answer that question. Even if somebody called me dishonest at some time or other, I am not going to retaliate, but I am paying a fitting tribute to the European community and it is rather to my credit that I am giving them this testimony in spite of the fact that they may once have called me dishonest.

The next question, Sir, is about the separate electorate. Now, so far as separate electorate is concerned, I can tell the House that ever since I have been in public life, I have come into intimate contact with leaders of political thought in the Hindu community who have acknowledged that under the present circumstances there is no escape from the position that separate electorates are the only solution of the communal turmoil in India. In the year 1916 and before that when my friend Dr. Radha Kumud Mookerji perhaps had not learnt the "P" of politics, I was there and through the mercy of Providence was a prominent figure in Indian politics taking a very prominent part in the Lucknow

Congress League Pact. There were in that year assembled at Lucknow Sir Surendra Nath Banerjea, Mr. C. R. Das, Mr. Ambica Charan Majumdar, Mr. Tilak, Lala Lajpat Roy, Pandit Motilal Nehru and several others. And after discussion we evolved that Congress-League Pact. But they never for a moment doubted the wisdom of giving to the Moslems a separate electorate. The only thing round which the discussion centred was the question of representation which should be given to the Moslem community in Bengal. As regards separate electorate, there was no questiou.

Mr. LALIT CHANDRA DAS: It was only a temporary arrangement.

The Hon'ble Mr. A. K. FAZLUL HUQ: No, Sir, it was not a temporary arrangement; the Pact was as permanent as anything, and ever since that year I do not think that the Congress as Congress has ever expressed itself against separate electorates. Some members of the Congress in their individual capacity at meetings here and there may have said something against it, but the Congress never officially passed any resolution that what the Congress did at Lucknow in 1916 was a mistake, and that separate electorate should give way to joint electorate. Sir, if that is the position, there is another fact which has got to be borne in mind. Every one knows that except for a very handful of men, 29 millions of the Muhammadans of Bengal are for separate electorates and against the joint electorates, and I say this with confidence because I know, and I ought to know, and I do know, and I therefore say with all the conviction that is in me on account of the fact that I do know what is the real state of things in Bengal. It is no use saying that the separate electorate is an evil. If it is an evil, it is a necessary evil, and it will not be removed by the manner in which the Congress newspapers have been attacking the Government, the Muhammadans and everybody day in and day out, and simply threatening them that unless something is done, they will set the Hooghly on fire. That, Sir, is not the way to induce the Mussalmans to consent to separate electorate. If you want to replace separate electorate by a system of joint electorate try to win the confidence of the Muhammadans; do not try to brow-beat them, because they have now become fully conscious of their own rights and duties. They know how to defend themselves. If you retaliate, then they also will retaliate. If you want peace, come forward as messengers of peace. Don't hold out threats of war, and don't you think that anybody in the Muslim ranks will waver if there is really any war, but they certainly want to avoid war. We want to live in peace, but the way in which you can bring peace is not by means of such unfounded allegations and by random charges against the men and the Government. I am still willing to hear my friends if they sit round a table with me. If they

can convince me that this Government has done anything which is really wrong to the Hindu community, I should be prepared to reconsider the whole position but certainly, I will not reconsider the position simply to oblige the Congress. I am not here to placate a particular political party. But for the entire Hindu community I have got the highest regard, and for them I shall be willing to reconsider the position. But we must be approached in the proper spirit and if that is done, the door of negotiation is not yet closed; but if it is merely speeches and threats, then we will have nothing to do with things of this kind. Well, Sir, I do not wish to take up much time of the House. I maintain that in introducing the system of separate electorate, we have only given expression to the feeling that really exists among the Muhammadan community; whether it is right or wrong is a different question, and it is a fact which we have got to take into account. In trying to bring about an amendment of the Calcutta Municipal Act we have felt that in the interests of good government it is time that the whole system of election should be overhauled and that the administration of the civic affairs of Calcutta should be placed on a firm, sound, just and equitable foundation. And it is on this basis, Sir, that we have brought forward this Bill. Another Bill is to follow which will deal with the constitution of the Corporation and everything relating to the administration of its affairs, and I am sure, Sir, that whatever may be said of this Bill, so far as that Bill is concerned, it will meet with universal support and sympathy. Sir, I have nothing further to add except to hope that Dr. Mookherji will be pleased to withdraw his amendment.

Mr. KAMINI KUMAR DUTTA: Sir, I really congratulate the sponsors of this Calcutta Municipal (Amendment) Bill for their success in creating a situation in which there is absolutely free play of communal feeling and dark prejudices. The real object of a civic measure like this can only be to accord facilities to citizens in matters such as sanitation, education, slump-clearance and projects like these but instead, we find that there is unfortunately a communal background behind this Bill. Yesterday it really pained me to hear from Mr. Hamidul Huq Chowdhury, Deputy President of this House, the remark that the Calcutta Municipal Bill was a measure of punishment.

Mr. HAMIDUL HUQ CHOWDHURY: Not to the Hindus but to the Moslems.

Mr. KAMINI KUMAR DUTTA: Sir, it apparently means that this Bill is intended to be a retaliatory measure against the Hindus. Even to-day it has really given me a good deal of pain to see that the real object of the Bill has been exposed in its naked character by no

other person than the Hon'ble the Chief Minister, who openly declared that this Bill is nothing but a war against the Congress Party. He has clearly stated that the object of the Bill is to turn out the Congress Party from the Corporation. He tried to dissociate the Hindus from the Congress and in the same breath he says that he has no mind to injure the Hindu community but that it is the Congress that he wished to crush. To this I can only say that any attempt to dissociate the Hindus from the Congress will be absolutely futile. He styles the Congress Party as an anti-Government party; but, Sir, a party which is holding the reins of Government in nine provinces India under the Government of India Act can hardly be called an anti-Government party. It may be opposed to his idea of Government, but certainly it does not lie in the mouth of a person who is holding the reins of administration of this province to call a great national organisation like the Congress an anti-Government organisation. It has been said that this party organisation of the Congress must die and that there should be no negotiation with a political organisation like the Congress, but that he is quite ready to negotiate with the Hindus. Indeed, Sir, it is a travesty of the ordinary principles of politics. Negotiation, if there is to be any, must be with a political party, whether that political party be founded by Hindus or a political party formed by Hindus and Muhammadans together. Even if he has to negotiate with the Hindus, he has got to do so with the Hindu Mahasabha. So it seems that he is ready to negotiate with the Hindu Mahasabha, which the Chief Minister certainly thinks is very friendly to the Muhammadan interests in the country, but he is not inclined to negotiate with the Congress Party which, one must admit, is absolutely non-communal in its ideal and character. I must emphatically repudiate as one belonging to this party that any charge of being communal against the Congress is nothing but unfounded and baseless. If Congress has any special characteristic, it is this that it is absolutely non-communal and it can rise above all ideas of prejudice and communal bias. I hear sometimes some protests; really if you do shut your eyes, if you come with a prejudiced mind, you may call the Congress communal. It is further said that Congress is drifting towards communism. I will not say anything regarding that. Congress knows how to answer that charge. It may be that the Congress ideology is somewhat progressing towards the idea of socialism, but that is a future which I think every right-thinking person in the country ought to welcome and ought not to condemn. So, really it pains me a good deal to hear from the Chief Minister that the object of the Bill is nothing but to drive the Congress out. I would appeal to him and to the Moslem community of which he claims himself to be the accredited leader—and I do not deny that as matter now stands he is the leader,—to banish this idea from his mind. He should entertain more friendly feeling towards the Congress and as he admits that he is ready to

negotiate, I would appeal to him again that the only party with whom he can negotiate is the Congress Party; the only party which can deliver him the goods is the Congress Party, and once he attempts to negotiate I assure him he will find that the Congress Party is quite reasonable and is quite rational and that it will not advance any sort of contention which will stand in the way of a healthy *rapprochement* between the two communities, the Hindus and the Mussalmans. I would again appeal to my Moslem brethren not only in this House but indeed in the whole country that as practically they are now shaping the administration of the country the whole future history will record its verdict about their action. The future of the country and of the administration now depends a great deal upon them. I would appeal to them not to allow the atmosphere of the country to be contaminated with communal poison. If it is once poisoned in such a manner, the future of our nation and the future of my country will be extremely gloomy and dark and the verdict of future history will be against them. Let not history say that the Moslem citizens of the province did impede the future progress of the country, that they stood in the way of reconciliation between the two communities, that their action stood in the way of a healthy growth of the nation as a whole.

Now, the whole controversy regarding the Municipal Bill really resolves itself into two main problems. One is regarding the adoption of the system of electorate, whether of a joint or of a separate electorate, and then if a separate electorate system is effected, the matter of the allocation of the seats, and also the question of nomination. Now, as to the first matter, whether the joint or the separate system of electorate is to be adopted, the Hon'ble the Chief Minister has advocated his implicit faith in adopting the system of separate electorate and has gone the length of saying that the Hindus are Hindus and the Moslems are Moslems, which shows that he has no future vision of any unification of the two communities. He forgets that it is not a question of Bengal alone but it is a question of the whole of India. It may be that my Moslem brethren are in a majority in this province but there are provinces where the Hindus are also in overwhelming majority. One trembles to think if this would be the state of things in future, that the Hindus would never unite with the Moslems as brothers, that these two communities would have no mutual feeling of love, tolerance and trust in each other. Really, one shudders to think of the future of the country. I do not think that there is any patriotic resident of this province or of any other province in India who entertains the idea in his mind that the Hindus and the Moslems shall never meet. It was said that the East and West shall not meet but now it is even being asserted that the East and West will meet. Certainly, I am one of those who are absolutely optimistic in this respect that the Hindus and the Moslems will meet, are bound to meet. They will meet and they will live as a living

nation in the world. So, I would simply say it has given me great pain to hear from no other person than one who is certainly now the leader of the Moslem community in the country that the Hindus and the Moslems will not meet and that there is no chance of a unification. Of course, if the communal standpoint would be the only standpoint from which the matter is to be looked at one may perhaps feel inclined to think that there is no chance of unification, but I would say that the modern world is drifting towards a different situation altogether. Different parties and groups now will meet on a different plane altogether on different ideology. Hindus and Moslems may have difference in religion, but it is not religion which is really now controlling the grouping of the different parties and the combination of the different parties in the world. But it is economic ideology which will be the common platform on which these two communities will meet and are bound to meet.

Now, this Bill concerns the town of Calcutta. One may call it the nerve, centre of the whole of the province and once the virus of communalism is introduced here, there is every likelihood of its spreading throughout the whole province. So, though it is only a Bill regarding civic matters, it involves important questions of principle, principle of representation of the two communities, the Hindus and Mussalmans in public institutions of which the basis is free election and in judging of these measures and in laying the foundations of our future civic administration, we should not confine ourselves only to our present need; we should not forget the future of the country, the future of our nation, the future of our motherland. We should have the vision as to what is our ultimate goal. In order to attain that ultimate goal, we should be particularly careful in framing any constitution to see that it does not intensify the communal feeling between the two communities, that in every measure which we may introduce we lay the foundation for the future peaceful and harmonious working of the two communities. I for myself would not look upon the Bill simply as a measure dealing with civic amenities. As I have already said, the very foundations of the plan for the future harmonious working of the two communities ought to be laid in the constitution of the Bill itself. Our views must not be limited, our aims and objects must not be narrowed down only to the present need. It has been said that there was a great deal of protest at the time of the introduction of the system of joint electorates in the Calcutta Corporation. Protests there were, but one would not be far wide off the mark, if one says that that protest might not be a really genuine protest from the Muslims as a community. It may not be altogether untrue that those who did set up that protest are the very body who are sponsoring this Bill. Really, to me it seems that this Bill is the outcome of the divers factors working in the country now. It is really not an offspring of

genuine demand for separate electorate coming from the Muslims as a community. It has been said that millions of Muslims have declared in unequivocal voice that they are for separate electorates and that they are not for the joint electorates. Now, everyone who studies the history of a nation, who has an insight into the politics and into the reasons for the gradual growth of a nation, knows that those who guide the nation, the leaders, they are to instil ideas into the masses. The masses do not possess that political consciousness. Masses do not really know what is for their welfare. If once you instil communal passion into their minds, these unwary masses will always think that perhaps the separate electorate is better for them. So, in this respect also it is the duty of the leaders themselves to think out the problem and to decide what is really for the good, for the welfare of the country and of the nation as a whole, whether it is the adoption of the system of separate electorate or of joint electorate. We should not defend our action by simply saying that the masses want it, that the Muslims want it. Convince the Muslims. As leaders, it is your duty to convince them that the introduction of the separate system of electorates is not really for the welfare of the Muslim masses or of the Hindu masses. It was with a great deal of interest that I did listen to what has fallen from the Leader of the European Group. I do not like to digress to the history of communal relationship in the pre-British period as it will be of no assistance to us in solving the political situation to-day, and furthermore as I have said, the political situation of human society all over the world has undergone a radical change.

Nations have changed their ideologies. The world is striving to form parties and groups by the combination of different ideological bases. So, any historical review as to whether communal disharmony is being maintained as a part of the British Imperialist policy, is absolutely outside our investigation. The problem before us is only to devise ways and means for united action for the betterment of our motherland, without any communal bias. The leader of the European group has said that politics should not be mixed up with matters of civic administration. It is a commendable desire which no one will disapprove, but in the age in which we are living, it is not possible to banish political considerations wholly or altogether from the administration of civic affairs. Political ideals are bound to affect the general complexion of administration and that is the case all the world over, but it does not injuriously affect the efficiency of civic administration. The remark has also been made by the leader of the said group about domination by any majority party. He apparently refers to the Congress Party to which reference has also been made by the Chief Minister to-day. But in all public institutions, formation of a party is unavoidable. Instead of having a party based or formed on communal lines and on the basis of communal hatred or a caucus, I think that

the best state of affairs should be a party based on the ideal of service to the people and of fair dealings to all communities and interests; and I on behalf of the Congress can say that the Congress Party can only work so long as it upholds that ideal, and I claim that it does uphold that ideal. I wholeheartedly endorse the desire expressed by the leader of the European group to banish nepotism and to establish the test of efficiency in all spheres of public life and in public institutions. I only desire that they should extend their influence to have these ideals established and put into operation not only in the administration of the civic affairs of the Corporation, but also in the general administration of the province. Referring to his comment in the matter of the Hindu majority, I may only say that as belonging to the Congress I do not stand for the majority or domination of any particular community, but only for justice and fair-play to all the communities, but at the same time I may tell the members of the European group that in almost all the local bodies in East Bengal there are Muhammadan majorities on the population basis and nobody makes a grievance of it. I would appeal to them only to see that an equitable, fair democratic principle is followed in framing the constitution of a civic body and that each community gets its due and fair share of administration. And our friends of the European group should not lend their helping hand to any scheme to suppress a particular community or a particular political party by artificial means, or by adopting an apparently undemocratic constitution. Now my friend, the Deputy President, has remarked about the position of the Muhammadans in the Congress provinces. I do not intend to travel into that matter as I do not agree as to the facts. Instead of there being a minority, the Muhammadans have been given a prominent place in the Congress Ministries. However, let us confine our activities to have harmonious working in our own province and to devising means of united action. Khan Bahadur Abdul Karim, the Leader of the Coalition Party, limits his view only to the welfare of his own community, and it is intended to be extended to the uplift of the masses of his own community only which forms a component part of the population of Bengal. He forgets that unless the whole body develops and becomes healthy, a particular limb of it cannot have any growth. Any attempt to make this limb grow at the sacrifice of the whole body is bound to be futile. Khan Bahadur Abdul Karim appears to entertain a faith in separate electorate. He had a future vision that separate electorate would be ultimately replaced by joint electorate, but his study of the situation was that communal tension would gradually vanish with the experience gained of separate electorates and the goal of joint electorate should then be accepted by the Muhammadans. It seems that he has been disappointed according to his own admission, and, Sir, that expectation was bound to be disappointed. You can reap only as you sow. Joint electorate cannot grow out of separate electorate. One may

only abandon separate electorate after bitter experince gained therein, but there is greater risk of making the situation worse, and widening the gulf between the two communities. Separate electorate is an institution which is absloutely antagonistic to the ideal of democracy and nationalism. In modern civilised democratic constitutions, there is no place for communalism or communal electorate. This communal separate electorate is thwarting our progress and march. Therefore, a common secular citizenship is absolutely imperative. I call it secular, because I know that on citizenship can be built up by any religious feeling which is a matter of personal choice. Separate electorate strikes at the root of democracy and the evolution of civil consciousness. It creates distrust in the place of mutual love, toleration and co-operation. The leader of the Coalition Party has admitted that the experiment of separate electorate has not produced the desired result. If still this pernicious system is persisted in, then the future is gloomy and dark. The entire conception of our political life requires scientific and careful scrutiny. The present generation should not adopt any course of action which will help only to widen the gulf between the two communities and lead to further stirfe and differences. History will not excuse any one of us, but will record all our deeds. Any action which will intensify communal animosity is an undemocratic and retrograde action and the adoption of separate electorate is certainly one of that character. Now, I have already said that I entertain doubts if there is a real demand for a separate electorate even among the Muhammadan community. It has been asserted to-day by the Chief Minister that he has changed his political ideals. Sir, why he—even humbler people than himself are entitled to change their political ideals. But when there is a change effected by a leader of his position the change must be upon a solid basis of future national welfare. I would again appeal to him and say that this change must not be based upon the dangerous rock of communalism. Now, in connection with his contention regarding the advocacy of separate electorate, he has urged that a Hindu in a joint electorate can expect to get the votes of the Muhammadans, if he would subscribe to their views and a Muhammadan in joint electorate can only expect Hindu votes, if he would be acceptable to them, and if they would think that he would subscribe to their views. I think this very dictum enunciated by the Chief Minister fully supports our claim for a joint electorate. That is exactly what we are urging—that the representatives who are to be sent to the Corporation must be representatives who have got the confidence not only of their own community, but the confidence of the other communities also, and indeed, the very dictum which he has pronounced to-day, is, I think, the best argument and ground for accepting a system of joint electorate. Indeed, as has been very ably put forward by my friend Mr. Kabir in his analysis of the contention of the Hon'ble Home Minister, I will not exhaust my energy over any duel about the statistics

regarding the percentage of taxation and the percentage of population and other things; but conceding for a moment as my friend Mr. Kabir has said that there is a Hindu majority in the Corporation created by this Bill, then can it be said that the object with which the Bill is said to have been framed, namely, to safeguard the alleged communal interests of the Muhammadans on the ground that the representatives sent there on joint electorate are not capable of safeguarding the interests of the Muhammadan community, is going to be fulfilled? Would then the Corporation with a Hindu majority which would apparently be communally-minded, would they be really friends of the Muhammadan community and if there be a majority of this communally-minded Hindus in the Corporation, how can the Muhammadans expect a fair treatment from them? Really, I fail to understand the Chief Minister when he says that he is ready to negotiate with the communally-minded Hindus, but he will not negotiate with a non-communal body like the Congress. Even according to the calculation not only of the Home Minister but also of the Chief Minister, this Corporation will be a body in which the Hindus will have a majority. But if that is so, you should remember who those Hindus would be. These Hindus will be ultra-communally-minded, and who would those Muhammadans be? They will also be ultra-communally-minded Muhammadans. So, practically we are converting the Corporation into an ultra-communally-minded body of Hindus and Muhammadans, and the tussle will be only between two bodies, which are equally communally-minded. I think if one body would preponderate, the other would be crushed, and if both the bodies would be of equal strength then a third party will be the gainer. By bargaining they will hold the real power in their hands. The situation is quite clear. Either they will be crushing one of the parties or they will be transferring the real control of the Corporation to a third party, neither to the Hindus nor to the Muslims. So, really on an analysis of the situation——

Mr. KADER BAKSH: Say, who are they?

Mr. KAMINI KUMAR DUTTA: You will find that in actual working. If you have got eyes, you can see. If you have got power to understand, you can understand it. If you try to deceive yourself you can do so, but that deception will be ruinous to you and to your race. So, this analysis of the situation seems to me to be quite lucid and clear. I really welcome the scheme of my friend Mr. Humayun Kabir. I unreservedly say that I endorse his views. Of course, I must say that similar views were also pronounced—not exactly alike—by other distinguished Muhammadan leaders. Indeed, his scheme has that advantage that no communally-minded Hindu can go to the Corporation and no communally-minded Muslim can go to the Corporation.

But under the present scheme a Hindu elected on a separate electorate system will owe no allegiance to the Muslims and equally a Muslim elected on a separate electorate will have absolutely no touch with the Hindus. But if we adopt that scheme as laid down by my friend Mr. Humayun Kabir, we have to woo both the communities; we will have to approach both of them and of all things I think the best gain would be that the atmosphere would be made clean of this communal propaganda altogether, because, one who will be indulging in communal propaganda cannot expect to have any vote from the other community at all. In this respect, it must not be thought that I am laying the blame at the door of any particular community. I must confess with shame that indeed in Bengal, as the situation now stands, there are people in both the communities who are being swayed by communal feelings and mischievous propaganda is not wanting really to accentuate that feeling. I do not say propaganda from one community, but propaganda from both. Both the communities are really condemnable for their action. So, any scheme which would put a stop to this sort of propaganda for rousing communal feelings ought to be welcomed. I do not say that the scheme should be adopted at once. But the scheme is one which deserves careful consideration at our hands. I will not dilate upon the factors relating to the allocation of seats. They have been fully discussed by my other friends. But certainly one cannot lose sight of the fact that a measure which is looked upon by a major community with this feeling of injustice rankling in their hearts cannot be expected to be conducive to the welfare of the administration of the civic affairs of the Corporation, particularly when the representatives of that community will be not a weak and impotent element in the Corporation. Those who are holding the reins of the administration should not ignore that fact. It has been stated to-day by the Hon'ble the Chief Minister that the arm of the law is strong enough to crush any Civil Disobedience movement. I have not come here to advocate any movement like this or to say anything in support of any matter like that. But we know that the arm of the law is always strong enough to crush the outward illegal manifestations of any discontented party, but law cannot conquer the minds of the people unless its real spring is the welfare of the people. Simply the use of the machinery of law will not be able to conquer the hearts of the major community in Calcutta. And if that discontent rankles in that community, I can only say there is no earthly power which can expect to reign in peace and which can expect to carry on the administration efficiently. It is not a question of putting the machinery into operation and of crushing a particular party or of crushing a particular movement.

Now, I will not dilate further on this elementary aspect of the point. Much has been said already as to the comparative merits of the separate electorates and of the joint electorates. Really, it requires no further

comment. But considering the other features of the Bill also, it cannot be commended for acceptance. Seven seats have been allotted to the Scheduled Castes, but of these three have been taken out of the sphere of election and have been provided to be nominated apparently with a view to have them at the beck and call of the Government. I would rather withdraw my expression "apparently," because it has been confessed by the Hon'ble the Chief Minister that he wants to have three henchmen of his own who are styled as Scheduled Caste members but who have to sell their souls to the Government and must be under their absolute control. Is this a state of things which any modern and civilized administration would advocate? So, the net result of this Bill we find will be this: that with the introduction of separate communal electorates the seats have been so arranged as to leave the members of both the major communities, if there be any discord between them which separate communal election is apt certainly to generate, at the mercy of somebody else. These warring parties can never look to a better provision for according civic facilities to the citizens. Communal wrangles will exhaust all their energies. The civic affairs of a premier city like Calcutta should be dealt with a wider outlook, not from an undemocratic anti-national standpoint, and not with the definite object of crushing any political party of the country. I will resume my seat with my final appeal to my Muslim brethren that the history of our country is in their hands now. Let them frame a glorious history for our country.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg to move that the question be now put.

Mr. KADER BAKSH: No, Sir, there are others to speak.

Mr. PRESIDENT: Before I decide the question about closure, I should like to ascertain how many more members want to address the House on this subject.

(Several members rose in their seats and a count was taken.)

There are nine members who want to speak and besides, the Hon'ble Minister in charge will have his right of reply. So, I am not in a position to accept the closure to-day.

***Khan Bahadur Maulvi MOHAMMAD IBRAHIM:** হিন্দু এবং মুসলমানের সাম্প্রদায়িক আলোচনায় এই ঠাণ্ডা ঘরটা পর্য্যন্ত এতটা গরম হোয়ে উঠেছে যে তার তাপে এখানে তিষ্টানো দায় হোয়েছে। (হাস্য) কোন দলই, সে কংগ্রেস দল হোন আর মসলেম লীগদলই হোন, কেউ কম কিছু কোরছেন না। সাম্প্রদায়িকতার বিষ ছড়াতে কেউ কম কোরছেন না। এদের জন্য টেকা দায়। কলিকাতা করপোরেশনের জন্য আইন কানুন যা হবে সেটা একটা আদর্শ আইন-কানুন হওয়া উচিত। কারণ এর আদর্শেই মফঃস্বলের মিউনিসিপ্যালিটিগুলি

*An authorised English translation of this Bengali speech will be found in the Appendix.

পরিচালিত হবে। কলিকাতা করপোরেশনের বর্ত্তমানে যে আইনের খসরা হোয়েছে, সে সম্বন্ধে অন্য সব কথা বাদ দিলেও একটা কথা না বোলে পারি না। এই কলিকাতা সহরে নারীজাতি এমন শক্তি সঞ্চয় কোরেছে যে তারা পুরুষের সঙ্গে সমানতালে পা ফেলে চোলতে পারে। কিন্তু এই বিলে, দেখছি, সেই নারী সমাজের জন্য কোন রকম ব্যবস্থা করা হয় নাই। লেবার এবং ডিপ্রেস্‌ড ক্লাসের জন্যও ব্যবস্থা করা হোয়েছে কিন্তু এত বড় যে একটা সমাজ, নারী সমাজ, যা কলিকাতা টাউনের অর্দ্ধেকের কম হবে না, এবং শিক্ষিতা নারীর সংখ্যা ও যেখানে বড় কম হবে না, বুদ্ধি-বৃত্তিতেও যে নারী সমাজ কম হবে তা আমি মনে করি না,—দুঃখের বিষয় সেই নারীদের কোন ব্যবস্থা এই বিলে হয় নাই। চিফ্‌ মিনিষ্টার মহাশয়ও এ বিষয়ে কিছু বলেন নাই। সরকার মহাশয় আছেন এখানে—(The Hon'ble Mr. NALINI RANJAN SARKER.) তাদের nomination দেওয়া হবে।) তাঁর কাছে এর একটা সদুত্তর চাই। যখন বিলটীর খসরা তৈরী হয়েছিলো তখন কি তাদের সঙ্গে কোন পরামর্শ করা হয়েছিলো? না মন্ত্রীরা নিজেরাই ব'সে ব'সে সব স্থির কোরেছেন? আমার বোধ হয় নারীসমাজের কারো সঙ্গে কোন পরামর্শ করা হয় নাই। যদি তাদের পরামর্শ নেওয়া হোতো তাহলে তাদের জন্য একটা ব্যবস্থা অবশ্যই করা হোতো। এখনো সময় যায় নাই। আমি গভর্ণমেন্টকে জানাচ্ছি মাতৃজাতিকে অবহেলা কোরবেন না। এদের উন্নতি ব্যতীত, আমার দৃঢ় বিশ্বাস, যে কোন জাতি, সমাজ বা ব্যক্তি কখনো উন্নতি লাভ কোরতে পারে না। সেইজন্য আমি আশা করি এদের জন্য এই বিলে কোন একটা ব্যবস্থা অবশ্যই হবে। কেবল হিন্দু আর মসলমান এই নিয়ে যদি ঝগড়ায় প্রবৃত্ত থাকেন তাহলে কংগ্রেসই করুন, আর মোসলেম্‌ লীগই করুন ফল কিছুই হবে না। আগে নারী সমাজের কল্যানসাধন কোরতে হবে। এদের দু একটা কোরে পদ দিতে হবে, না দিলে সমাজের উন্নতি হবে না। এদের জাগাতেই হবে, কিন্তু কর্ম্মক্ষেত্রে অবতরণ না করালে এরা জাগতে পারে না। সুতরাং গভর্ণমেন্টের নিকট আমার অনুরোধ,—তাঁরা নারী সমাজের জন্য এই বিলে কিছু ব্যবস্থা কোরবেন এইরূপ একটা প্রতিশ্রুতি তাঁরা যেন দেন। অন্ততঃ যে সমস্ত সিট্‌ রিজার্ভ করা আছে তার মধ্য থেকে কিছু সিট্‌ প্রদান করা হোক।

বিলের আলোচনা আজ তিনদিন ধোরে হোচ্ছে, এর মধ্যে আমরা বার বার শুনতে পাচ্ছি যে এ বিলে হিন্দু সমাজকে অস্বীকার করা হোয়েছে। একথা আমি কিছুতেই অস্বীকার করি না যে কলিকাতা নগরীতে জনসংখ্যায় এবং অর্থবলে হিন্দুগণ বলীয়ান। কিন্তু একথাও সত্য যে বড়লোকের যদি অনেক পয়সা কড়ি থাকে সে যে বড়লোকেই কেবল ভোগ কোরবে তা নয় গরীবদেরও ছিটে ফোঁটা দিতে হয়। সুতরাং অন্য সমাজকে কিছু নিজেদের ভাগ থেকে না দিলে চোলতে পারে না। তার পরে যে পরিমাণ তাঁদের সিটের সংখ্যা দেওয়া হোয়েছে তা যদি অন্য কয় সমাজের সঙ্গে তুলনা করা যায় তাহলে সেটা কম করা হয়েছে বলে ধরা উচিত নয়। এই সংখ্যা লঘিষ্ঠতার কথা যে বলা হোচ্ছে সেটা কিছু নূতন ব্যাপার নয়। মনে করুন মুসলমানদের কাউন্সিল ও এসেম্বিলিতে কত সিট্‌ থাকা উচিত ছিলো? এসেম্বিলিতে ১৪০ জন মেম্বরের সংখ্যা রাখা উচিত ছিলো। এখন সেখানে মুসলমান মেম্বারের সংখ্যা ১১৯ জন। হিন্দুরাও অবশ্য তাদের সংখ্যা অনুপাতে কাউন্সিল বা এসেম্বিলিতে সিট পান নাই। পেয়েছে কারা? যারা নাকি সাময়িক রক্ষক। আজ আছে কাল চোলে যাবে। তারা হোচ্ছে সুবিধাবাদী সেদিন রাজা বাহাদুরের বিলে তারা সাপোর্ট কোরেছে। রাজা বাহাদুর তাদের সঙ্গে যোগ দিয়ে গভর্ণমেন্টকে পরাজিত কোরেছেন। সেই দলই সুবিধা পেয়েছে। হিন্দু বা মুসলমান এরা কেউ বিশেষ কিছু সুবিধা পায় নাই আইন সভায় যেমন তাদেরই সুবিধা দেওয়া হোয়েছে, এ বিলেও তেম্নি তাদেরই সুবিধা হোয়েছে; মুসলমান যে এ বিলে বিশেষ লাভ কোরেছে, একথা আমি কিছুতেই স্বীকার কোরতে পারি না, তারপরে যুক্ত নির্ব্বাচন ও সেপারেট্‌ ইলেকসন্‌ আর একটা কথা উঠেছে। অবশ্য একথা আমি স্বীকার করি যে প্রতিযোগীতা ব্যতীত কোন ব্যক্তি বা সমাজ কোথাও দাঁড়াতে পারে না। একটা স্কুলে যদি দুটী ছাত্র ভালো থাকে আর সব খারাপ থাকে, তাহলে সেই দুটী মাত্র ছাত্রের কি আর প্রতিযোগীতা থাকে? তারা তখন পরামাণিক হোয়ে ওঠে। তারা

পড়াশুনায় মন দেয় না, কিন্তু যখনই তাদের ভিতর প্রতিযোগীতা বর্ত্তমান থাকে তখন ছাত্রেরা পড়াশোনায় খুব মনোযোগ দেয়। সুতরাং প্রতিযোগীতা আবশ্যক। কিন্তু প্রতিযোগীতা কোরতে হবে কার সঙ্গে? সমানে সমানে। আমি একজন বাতগ্রস্থ রোগী আমাকে যদি বলা হয় একটী সবল লোকের সঙ্গে প্রতিযোগীতা করবার জন্য, আমি কি তা পারবো? সেদিন কুকুর দৌড় দেখতে গিয়েছিলাম। দেখলাম সবল যারা তাদের পিছনে রাখা হয়, আর যত দুর্ব্বল তাদের এগিয়ে দেওয়া হয়, এটা স্বাভাবিক। গত অগাষ্ট মাসে আমাদের ওখানে একটা দৌড় প্রতিযোগীতা হোয়েছিলো। সেখানে ২৫ থেকে ৪০ বৎসর বয়স্ক যুবকদের সঙ্গে আমি এই ৭৫ বৎসর বয়সেও যোগ দিয়েছিলাম। আমি দুর্ব্বল বুড়োমানুষ বোলে আমাকে সবার আগে রাখা হয়েছিলো। কেননা দুর্ব্বলকে অনুগ্রহ করাই দরকার। সেইজন্য যে পর্য্যন্ত মুসলমান সমাজ সবল না হোতে পারছে, ততদিন পর্য্যন্ত সেপারেট ইলেকশন থাকা যে বিশেষ আবশ্যক এটা বলা অপ্রাসঙ্গিক হবে বোলে আমি মনে করি না। কিন্তু এমন সময় এসে পোড়েছে, এবং সে সময়টা খুব দূরে নয়, যখন মুসলমান সমাজ সেপারেট ইলেকসন চাইবে না আজ যেমন হিন্দুরা চায় না। মুসলমানদের যে রকম জাগরণ এসেছে এবং তারা যে রকম অগ্রসর হোচ্ছে তাতে তারা শীঘ্রই অগ্রগামী হবে। সেপারেট ইলেকসনকে আমি বরণ করি না কিন্তু সম্প্রতি কিছুদিনের জন্য এটার আবশ্যকতা আছে বোলে বিশ্বাস করি। তারপরে আর একটা বলবো, বেশী বলার সময় নাই, আবশ্যকও নাই।

Mr. PRESIDENT: Order, order. আপনার কি শেষ হোয়ে এসেছে?

Khan Bahadur MOHAMMAD IBRAHIM: আর ২।১ মিনিটের মধ্যেই শেষ কোরবো।

Mr. PRESIDENT: আচ্ছা, তাহলে শেষ করুন।

Khan Bahadur MOHAMMAD IBRAHIM: আর একটা কথা, সেটা হোচ্ছে নমিনেসন সম্বন্ধে। আমি নমিনেসনের চিরদিনই বিরোধী। নমিনেসন প্রথাটা কোন দিনই ভালো নয়। কিন্তু, আমি বোলতে পারি এমন একটা ক্লাস আছে যে ক্লাসের কোন দিনই মিউনিসিপালিটিতে ঢোকবার সম্ভাবনা নাই। এমন এক একটা প্রতিষ্ঠান আছে, যারা নাকি নীরবকর্ম্মী তাদেরও ঢোকবার কোন সম্ভাবনা নাই। তাদের জন্য নমিনেসন দরকার। কিন্তু, নমিনেসন সচরাচর পায় কারা? যারা অর্থবলে বলীয়ান তারাই পায়, ঐ সব লোক, যাদের পাওয়া উচিত তারা পায় না। সাধারণতঃ তারাই নমিনেসন পায় যাদের উচ্চ কর্ম্মচারীদের সঙ্গে সর্ব্বদা দহরম বহরম দ্বারা জেলার ম্যাজিষ্ট্রেট প্রভৃতির জন্য চর্ব্ব্য চোষ্য লেহ্য পেয় দ্বারা ভোজের ব্যবস্থা কোরতে পারেন এবং তাঁদের সঙ্গে অবাধে মেলামেশা করেন তারাই নমিনেসন পেয়ে থাকেন। এই বিলে একটা ভালো ব্যবস্থা করা হোয়েছে, যে ডিপ্রেসড ক্লাস যারা, যাদের কাজ করার শক্তি আছে অথচ মিউনিসিপালিটিতে আসতে পারে না, তাদের জন্য এই নমিনেসনের ব্যবস্থা পরিষ্কার কোরে দেওয়া হয়েছে। অতএব আমি এই নমিনেসন সমর্থন করি। নমিনেসন মাত্রই যে——

Mr. PRESIDENT: Order, order. এখন এ বিষয়ে বক্তৃতার দরকার নাই। এ বিষয়ে এমেণ্ডমেন্ট এলে তখন এর উপর বক্তৃতা করা যেতে পারবে।

The House stands adjourned till 8 a.m. to-morrow when discussion on this Bill will continue.

Adjournment.

The Council then adjourned till 8 a.m. on Thursday, the 25th May, 1939.

Members absent.

The following members were absent from the meeting held on the 24th May, 1939:—

(1) Mr. Humayun Reza Chowdhury.

(2) Mr. Narendra Chandra Datta.

(3) Khan Bahadur S. Fazal Ellahi.

(4) Alhadj Khwaja Muhammad Esmail.

(5) Maulna Muhammad Akram Khan.

(6) Begum Hamida Momin.

(7) Rai Bahadur Satish Chandra Mukherji.

(8) Mr. H. P. Poddar.

(9) Rai Bahadur Radhica Bhusan Roy.

(10) Mr. Sachindra Narayan Sanyal.

(11) Rai Sahib Indu Bhusan Sarkar.

(12) Mr. D. H. Wilmer.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 25th May, 1939, at 8 a.m. being the fifteenth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Ban on Hindu Organisation.

69. Mr. RANAJIT PAL CHOUDHURI: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) whether it is a fact that a confidential circular or any sort of request or verbal order from the Government or any of the Ministers has been issued to the effect that no person in Government service can enlist himself as a member of any Hindu organisation or subscribe thereto; and

(*b*) if the answer to the above be in the affirmative, whether anything like the above has been issued with reference to the Muslim organisations also?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) I am not aware of the issue of any such circular, request or order.

(*b*) Does not arise.

Mr. RANAJIT PAL CHOUDHURI: Is it a fact that Government do not intend to disburse the budgeted allotments to Hindu institutions this year?

The Hon'ble Mr. NALINI RANJAN SARKER: I am not aware of it.

Establishment of a General Council and State Faculty for Unani Medicine.

70. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state if he proposes to establish a General Council and State Faculty for Unani system of medicine in Bengal on the lines of the Ayurvedic General Council and State Faculty already established? If so, when will the same be established in Bengal?

(*b*) Is it a fact that the question of establishing a General Council and State Faculty for Unani system of medicine was discussed at a representative conference of the *hakims* of Bengal in 1937 and it was settled that a General Council and State Faculty would be formed very soon?

(*c*) If so, will the Hon'ble Minister concerned be pleased to state why it has not been established yet?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): It has been decided by Government to establish a General Council and State Faculty for the Unani system of medicine in Bengal on the lines already adopted in regard to the Ayurvedic system. The question was discussed at a representative conference of *hakims* in 1937. The conference recommended that a General Council and State Faculty for Unani Medicine may be established and requested the Government to draw up, in consultation with a representative committee consisting of prominent *hakims* selected at the conference and others to be nominated by Government, a set of rules for the constitution of the Council and Faculty and the carrying on of its functions. A set of rules has since been drafted by Government and translated into Urdu. They will now be placed before a conference which I propose to convene as soon as possible. The Council and Faculty will be established without any avoidable delay.

Rai KESHAB CHANDRA BANERJEE Bahadur: Do the Government propose to bring the Ayurvedic system of treatment within the purview of this committee also?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir. My friend perhaps does not know that Ayurvedic Faculty has already been established and that it is already functioning.

Rai Bahadur SURENDRA NARAYAN SINHA: Will the Hon'ble Minister be pleased to state whether there is a proposal for introducing this Faculty for the Homeopathic system of treatment?

The Hon'ble Mr. TAMIZUDIN KHAN: The answer is in the affirmative.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state if they are taking any step to legalise *Avadhautic* system of treatment? (Laughter.)

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it proposed to include in the committee only *Calcutta hakims* or *hakims* from outside Bengal will also be included in the committee?

The Hon'ble Mr. TAMIZUDDIN KHAN: Both Calcutta *hakims* and *hakims* from outside Bengal.

The Calcutta Municipal (Amendment) Bill.

Mr. PRESIDENT: Order, order. The House will now resume discussion of the Calcutta Municipal (Amendment) Bill, 1939. Hon'ble members will please take note of the fact that this is the fourth day of the debate on the motion for taking the Bill into consideration. I hope it will be concluded to-day. Yesterday, a motion for closure was moved, but I could not accept it. I shall be prepared to accept a closure motion to-day after an hour. The Chair expects that the hon'ble members who would speak to-day will try to conclude their speeches within 15 minutes.

Mr. RANAJIT PAL CHOUDHURI: Sir, the deadliest of weapons are sometimes very merciful. If there had not been some notorious administrative decisions during the Viceroyalty of Lord Curzon, we would not have been awakened so soon. If it had not been for the Jallianwalla Bagh massacre, we would not perhaps have been roused yet. This Bill which is a drive against the Hindus will force them to unite. The Chief Minister in his speech yesterday threw out a threat of retaliation. Sir, we welcome it. Every far-seeing nationalist will welcome it. It will compel the disintegrated Hindus to combine for the sake of self-preservation.

Sir, much has been the talk of maladministration of the affairs of the Calcutta Corporation. In my opinion this Bill will be a contributing factor for further maladministration. It will be confusion worse confounded, since the basis of this Bill is designed on purely communal basis. Can Mr. Fazlul Huq deny the charges of corruption

and nepotism about his administration? The law courts will furnish some examples of corruption. The delay and interference in the nomination of the local bodies will reveal cases of nepotism by the Government.

Much has also been the talk of apathy towards the Muslims. The Chief Minister told us yesterday that he courted his first election defeat due to lack of support by the Hindu voters. May I ask him whether he could have stepped into the Mayoral chair without the support of the Congress and the Hindus? I am sure, his memory is not so short as to have forgotten the incidents that were created by his so-called admirers of to-day.

Sir, with these words, I support the motion for circulation of this Bill.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I rise to oppose the motion for circulation as I consider circulation for the purpose of eliciting public opinion absolutely unnecessary. Sir, no legislative measures of recent years had evoked so much public criticism as this Bill, and the criticisms have all appeared in detail in the Press. Government as well as members of the Legislatures are fully aware of all the grounds on which exception has been taken to the provisions of the Bill, and we can put our heads together here to consider them one by one dispassionately, instead of merely wasting time by sending back the Bill for circulation as public opinion has already expressed itself in the Press and on the platforms.

Sir, I propose now to answer the two main points raised by the members of the Opposition. Sir, the first charge is that the Bill has shown undue favour to the Muslims and has done definite injustice to the Hindu community. From the figures supplied to us by our learned friend Dr. Mookerji, we get that Hindus form 70 per cent. of the population and Muslims 24 per cent., that the Hindus pay 82 per cent. of the taxes and the Muslims only 5 per cent., and that the Hindus have been given 45 seats, Muslims 22 and Europeans 17. Even taking the figures as absolutely correct, what is found is that the Muslims have got representation barely on population basis and the Hindu representation on population basis had to be reduced for giving weightage to the Europeans, which Dr. Mookerji himself opined as quite justified, and also for reserving seats for special interests. But the fact still remains that the Hindus will have more than double the seats of any one single community and taking into account the seats they will get from nomination and other special constituencies, their aggregate strength will be 55 to 57 in a house of 98. I fail to see, Sir, how a proposal like this can be branded as unfair, unjust and communal. As to the charge of favouritism towards the Muslims on communal consideration, I should like to enquire whether representation of a minority

community, which consists of actually one-third of the majority community, on barely population basis can be reasonably questioned by any sensible man. Sir, such minorities are not unoften given weightage. But here no weightage is even given. Only their due share on population basis is given and yet that is being cried down as unfair and unjust. Do our friends opposite still seriously contend that the Bill has been partial to the Muslims? Sir, the charge of undue communal bias has thus no legs to stand upon. And yet to justify the charge our learned friend would like us to take into account the amount of taxes paid by the communities. But, Sir, will it not be a retrograde and undemocratic principle to consider the question of taxes while fixing franchise when the world atmosphere is now surcharged with democratic spirit based on utilitarian principle, when all advanced countries have adopted universal adult suffrage irrespective of poverty or wealth, tax payment or no tax payment. It is out of date especially for a representative of the Congress Party, which poses to be the most democratic party in the country, to urge that the amount of tax paid should be taken into consideration in fixing the quota of representation, as in that case only the rich will monopolise the power to the exclusion of the poor.

In connection with the votes reserved for Muslims, Dr. Mookerji has tauntingly remarked that the Muslims form 25 per cent. of the population including infants. But I wish to enquire of the learned Doctor if infants are not human beings and if they have not a claim on the Corporation. They are incapable of exercising the right of vote and that is why their names do not appear in the voters' list, but why should their parents and guardians be prevented from representing them? Why should their very existence be forgotten? Are they not to be taken into account when provision is to be made for health and comfort and other amenities of civic life? They are human beings and they deserve more consideration than adults, and the learned Doctor should not have spoken of them with such contempt. If children are to be excluded in determining the quota of representation, the poor people who pay no tax should also perhaps be excluded according to my learned friend's logic. If this is Dr. Mookerji's considered opinion, I have nothing to say. The world is fast moving and equality is the order of the day, and we must treat all human lives whether of a child or adult, man or woman, rich or poor, as equal, if we are really democratic.

I now come, Sir, to the main bone of contention, the separate electorate, which has been so very adversely criticised by our friends opposite including our young friend Mr. Humayun Kabir. We all admit that separate electorate is not an ideal thing, but we feel that under the existing circumstances it is a necessary evil with which we have to put up. Sir, we heard yesterday from the Chief Minister himself how a joint electorate which was to elect a Muslim member

could be influenced by the majority community in such a way as to shut out a man of the personality of Mr. Fazlul Huq who, even according to the leader of the Opposition, is undoubtedly the accredited leader of the Muslims. Sir, how can the minority community be supremely indifferent to a system which can prevent the best men of the community from being elected on account of sheer communal bias? Even Professor Humayun Kabir's formula will not prevent such mischief being perpetrated by the majority community in such a case. The majority community would influence the Hindu voters to such an extent as to prevent even 25 per cent. of them to cast their votes in favour of a real representative of the Muhammadans, as was done in the case of the Hon'ble Mr. Fazlul Huq, who could not secure according to his own statement more than 12 or 13 votes out of 1,200. This can only be done by rousing communal bias as is being done always, and yet we, Muslims, are being dubbed, in season and out of season, as communal. Sir, the incidents cited by the Premier are a positive proof of the fact as to who is really communal and who is responsible for the demand for separate electorate. It is our sad experience that what happened to Mr. Fazlul Huq happens to almost every able Muslim leader even in a joint electorate constituency with reservation of seats, when the majority of voters are non-Muslims. It is for this reason that very few able Muslims can succeed in a municipal election. With the greatest regret we have to give vent to our feelings that it is almost always the case that whenever an able Muslim seeks election, the influence of the entire Hindu community is exerted to defeat him. Sir, we remember what happened to Sir Abdur Rahim—one of the ablest sons of Bengal. He could not get a single Hindu to join his Ministry and what was his fault? His fault was that he was very able and could place the Muslim case forcefully and so he must be shut out by the combined efforts of the Hindu community. Mr. Humayun Kabir thinks that this Bill is stupid as it does not give very many more seats to the Muslims, but at the same time irritates Hindu feelings. Sir, I am sorry my young friend has yet to understand the real object underlying the Muslim demand for separate electorate. Surely, by separate electorate their voting strength will not increase, but the Muslims will be able to send their real representatives of ability and confidence—representatives of the type of Mr. Fazlul Huq, Sir Abdur Rahim and others, to espouse their cause, for the purpose of putting up their case before the Municipal Corporation properly and with force. They consider that the separate electorate will assure the Muslims that all their claims to rights and privileges will be properly and effectively urged. This is not a small gain to a minority community whose case not unoften suffers owing to its not being properly made out and ably placed before the House. Sir, although Mr. Kabir has

said that 22 remains 22 even if all the 22 be Suhrawardys, I assert that a good deal lies in the personality of the members. One Fazlul Huq is equal to 50 mediocre members, and the minority can only expect to have its case properly represented if it can send members of ability and members who can press their case forcefully. In any case, I would ask point blank of our friends opposite and Mr. Kabir whether they think that the Muslim community can acquiesce in a system of election by which their best men may be shut out through the manoeuvres and machinations of the majority community. Can the Muslims afford to lose the services of men like Mr. Fazlul Huq and Sir Abdur Rahim? Should the Muslims allow their case to suffer by default? Should they shut their eyes or watch indifferently their ablest men being shut out from public bodies through the machinations of the majority community which thinks that an able Muslim who would fight for Muslim rights and privileges ably and would put their case forcefully would be a menace to their vested interests? The reply of the community will be an emphatic "no," and the replies of my friends opposite cannot reasonably be otherwise. There is thus sufficient justification for separate electorate for the Muhammadans, so long as the communal bias is rampant in the majority community. Sir, in season and out of season we are being reminded by our Hindu friends that Muslims and Hindus are brothers of the same flesh and blood. We admit that they are. But, Sir, what will be the attitude of the younger brother if he finds that the elder brother wants that the younger brother should be in perpetual minority, that the elder brother should manage everything and the younger brother should be a camp follower only and must be satisfied with whatever is given to him by the elder brother, although it may not be sufficient for his bare living? If the younger brother has got flesh and blood in him, he will certainly revolt against such an elder brother and demand the sixteen annas of his dues. The same has been the case in Bengal with the backward communities. Let the elder brother treat his younger brother affectionately and generously, let him take fraternal care in educating him and establishing him in life. Let him make some sacrifice also with the object of establishing him in life. If the elder brother acts in such a way, he will find the younger brother responsive and faithful and obedient. But what is being actually done? The very proposal of giving a few additional seats to the backward classes on the basis of population has upset the entire elder-brother community, who have lost all sense of proportion and have been proposing *satyagraha* and non-co-operation and what not, to bring down the Government which had the "audacity" to touch their vested interests for protecting the interest of the minority. Similarly, the proposal of reserving a definite and increased percentage of public service for the backward classes has made the entire Hindu nationalist press and platform mad over it. The poison—the most

infectious poison of communal hatred—is being vomitted by responsible leaders of the majority community and by the Press in the name of nationalism. Is this the treatment a younger brother could expect from the elder brother? Is it not likely to make the younger brother feel that his elder brother is extremely selfish and cannot be trusted? If a brother is sick, is it not to be expected of the healthy brother that he would forego his share of milk for the sake of his sick brother, so that he may recover the full vigour of his health?

Dr. RADHA KUMUD MOOKERJI: Whom do you mean by your "elder brother"?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The elder brothers are certainly those who are rich and more educated and more advanced. Sir, I yield to none in my desire for communal amity and concord, as I believe that there can be no real progress unless we are united and live in peace.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, may I take the liberty of felicitating this Chamber on the high level of debate achieved by it in considering this matter which has raised, in my opinion artificially, a degree of controversy which it did not merit, and also if I may say so, for the remarkable diminution of interruptions on the part of Mr. Shrish Chandra Chakraverti, and Mr. Naresh Nath Mookerjee?

In the beginning, may I pay my tribute of appreciation to the speech of the hon'ble the leader of the European group who, in a remarkably well-balanced and well-reasoned delivery, has approached the subject from the right angle? We should not consider this Bill from the standards of political controversy but from the view-point of civic administration, and the hon'ble the leader of the European group has rightly stressed that point of view. I am in complete accord with him on this question. I will refer a little bit later also to the speech of Mr. Humayun Kabir. Here I will depart somewhat from my usual method of approach as regards his speech. And while referring to it, Sir, I desire also to congratulate him on the very able speech with which he regaled this House. Particularly so, Sir, because in it I find the seeds of a dawning sense and appreciation of the proper relationship between the two great communities of this province. Sir, I had the benefit of listening to the speech of Mr. Lalit Chandra Das which he delivered in this House two days back. As he seems to have expressed the view-point of his party in somewhat forceful terms, I will consider his points a little bit more in detail. He told us that by the 1923 Act which automatically changed the separate electorate into joint electorate in 1933, the question of onus regarding the failure of joint

electorate was shifted on Government. Now, Sir, so far as the controversy between the advantage of separate electorate and joint electorate is concerned, I will not go into the merits of it. It has been expatiated in full on the floor of this House. We on this side of the House are convinced that separate electorate is the only remedy for the evils which are besetting our province and for the natural cleavages which unhappily exist between the two communities. But apart from that, in the matter of the civic administartion of Calcutta as well joint electorate has proved a failure. I need not dilate on the details of this but merely direct the attention of the House to the results, and the House will judge by these results whether joint electorate has been a failure or not. Surely, the entire Muhammadan community did not go mad at the time when they boycotted the last municipal elections! I am unable to accept the contention of Mr. Humayun Kabir when he says that a handful of hooligans were able to influence the entire Muhammadan community from one end of the city to the other! Sir, take the case of Ward No. 7, where there are, I believe, about 800 Muslim voters, but where not more than 2 Muslims came forward to vote. And take the case of the gentleman who stood from Ward No. 7; he did not get more than one Muhammadan even to sign his nomination paper and no Muhammadan at all to recommend him for his candidature! The position in Ward No. 8 was also similar. And Ward No. 9 was entirely closed. From five wards of this city, no Muslims were available for standing as candidates. Of course, all hon'ble members know that any voter can stand as a candidate for any part of the city. But in five wards, as I have said, there were no Muslim candidates, there were no nomination papers filed on behalf of any Muhammadans, and Government had to nominate five Muhammadan Councillors in order that the Calcutta Corporation might function according to the Calcutta Municipal Act. Can this, Sir, be put down to terrorism of a group or a handful of people? The only conceivable reason for this state of things is that the Muhammadan community as a whole had definitely decided that joint electorate had failed and that it was determined to revert to separate electorate. Mr. Humayun Kabir said that separate electorates and joint electorates needed still to be weighed. They have been weighed in the balance and so far as the Muslim community is concerned, separate electorate has been found to be the heavier of the two and to be the more appropriate in the present political conditions. Sir, to my mind the controversy which is at present prevailing outside and which has got its reflection in this House is based on somewhat wrong notions regarding the relative numbers and importance of the members of the various communities adumbrated in the Bill. Again, Sir, I will not go into the figures and attempt to point out to this House that the Hindus have got a sufficient majority. The question of sufficient majority or

sufficient minority in my opinion, however, does not arise. Take the case of the other Legislature in this province. The Muslims are in an absolutely majority in Bengal, but they have not been granted an absolute majority in the other place. Does that mean that the Muslims have lost their influence? They form a big valuable influential group, and they are able therefore to influence the administration. Even though we take for granted for the moment, which of course is wholly untenable, that the Hindus in the Corporation will not get an absolute majority, they will still form a very strong influential bloc within the Corporation and a very powerful and influential community outside. Are they seriously suggesting that the result of the new Bill will be that they will be absolutely crushed and humiliated, that they will not be able to influence the policy of the Corporation at all? I submit no, Sir. They will always have the most powerful voice and they will always be able to influence the administration of the Corporation. Here, I may take up the point stressed by Mr. Humayun Kabir, Sir, because I am unable to follow his logic. He said that he could have understood this Bill if it had resulted in the Muslims getting a dominant position in the Corporation. According to him, the result of this Bill has been that the Muslims have been kept in a state of perpetual minority. Let Mr. Kabir forget the political aspect. It has never been the desire of Government that the Muslims or any group or party other than the majority group should dominate in the Corporation. We do not desire so to change the Bill. We may have the power to do so, but we do not desire so to change the Bill that the Muslims should dominate and should take up the power in the Corporation. We want proper administration and we want the voice of the minorities to be effectively represented and heard. We have not the least desire for domination. Therefore, leave that out altogether and do not please charge the Government with certain policies and certain ideas which Government does not possess.

I am indeed sorry, Sir, that there is so much controversy, because it seems to me that there is no basis whatsoever for all these very high-sounding and tall talks. Some persons desire to become leaders and have taken this opportunity to come into the limelight. I am not referring to Mr. Lalit Chandra Das. He need not worry about that, but I am referring to persons who do not merit the position of leadership, because they have not made any sacrifice for the community at all. I think hon'ble members of this House well know the persons whom I am referring to. They are not members of this House and therefore I will not refer to them by name.

Sir, Mr. Lalit Chandra Das has said that true Bengali Muslims of Calcutta wanted to express their views with regard to this Bill and were unable to do so. Let me point out to him that true Bengali Muslims have expressed themselves in no uncertain voice at the time

hen the Corporation elections were boycotted. Thousands of meetings ere held throughout Bengal in which they declared their intention of ipporting Muslims of Calcutta. In one of the most colossal meetings hich have ever been held in the Calcutta Maidan, the Bengali Muslims id the Urdu-speaking Muslims—let me tell my hon'ble friends here iat the latter are not outsiders, they are not upcountry men; 90 per ent. of these Urdu-speaking Muslims are Bengalis—they all met ogether and asserted in no uncertain terms that they must have parate electorates. If just a few persons without any name or any osition or any political antecedents desire, with monies coming from ources which are unknown, for they have no money themselves,—to ise some sort of artificial agitation and to hold meetings and pack iese meetings with hired people brought for the purpose in hired ixies, surely the hon'ble members of this House, who are conversant ith the technique of agitation, ought not to pay the slightest attention such demonstrations.

Sir, it is further stated that nominations are against the spirit of emocracy. That is true. We would like to waive the nominations, we possibly can. There is a desire on the part of the Government to so progressively. The controversy which was raised and the pressure hich was brought to bear on us by reasonable Hindu opinion resulted ot merely in the increase of one Hindu seat, but in the diminution of iree further seats from the nomination bloc. Therefore, there was a istinct gain, if I may say so, to the Hindu majority of four seats. ow, Sir, we have reduced the nominations and we cannot do more, ne of the reasons being this, as hon'ble members are aware that great ressure was brought to bear on us by the Scheduled Caste party that we iould either give them separate electorate or we should nominate them atirely. We should not throw them to the wolves—by wolves they iean the Caste Hindus—that they should not be compelled to go to the aste Hindus for their votes. Now, Sir, we felt that we could not take he responsibility in this matter. We felt that the Caste Hindus would harge us, and probably charge us with a certain amount of reason, ith attempting to divide the Hindu community. Sir, we do not desire do that. We are not trying to divide the Hindu community. The ongress may attempt to divide the Muslims. It may try to create all orts of cleavages in our ranks through the Shia-Sunni controversy; it iay create the Momen and the superior class of Muslim controversy, lthough amongst us there is no case of such controversy at all; it may reate a Jamiat-ul-ulema in order to mislead Muslim public opinion; it iay start a Muslim mass contact movement. But we do not desire to ct in the same manner and attempt to drive a wedge in the Hindu comiunity. When the Hindu community will itself tell us, when the cheduled Caste Hindus themselves in a vast majority will come and ell us that they are a separate people and when our friends on the

other side will recognize that position, then it will be the duty of Government—whichever Government is in power, whether it is this Government or a Congress Government—to recognize this position and give effect to existing opinion. But until that time, Sir, we do not feel that we would be right in giving separate electorates to the Scheduled Castes which may be interpreted, although I should think wrongly, as an attempt to drive a wedge in the Hindu community. Now, for this reason we have got to keep nominations. There are certain other persons that must be nominated as well in order to represent certain interests which have not been represented by election. Consequently, we have been forced to keep this power in our hands. But again, I will request my friends to keep in mind that the principles which operate in a political body, principles which have operated in framing the Government of India Act, and in accordance with which nominations have been abolished in the political chambers, do not operate in the case of the local bodies which have to be looked at from the point of view of civic administration.

Then again, Mr. Lalit Chandra Das said that we are attempting to fly the League flag over the dome of the Municipal Buildings. We are attempting to do nothing of the kind. We deprecate the flying of flags of political parties on civic buildings. The civic buildings are meant for all. They are meant for Hindus and Muslims, for Congress and for non-Congress, Scheduled Castes and Christians, Anglo-Indians and Europeans. I think, Sir, that any party or anybody that takes advantage of its majority in any civic body for the purpose of flying its own political flag is doing the greatest amount of injustice and giving the greatest offence to other communities and to other bodies whose interests and feelings also it must take into account.

Sir, I fear that my friends on the other side are attempting deliberately to mislead the Caste Hindu public. I would beg of them not to do so, but to look at it from the point of view of reason and from the point of view of trying to bridge a gulf between the two communities and not to widen them. The arguments that are put forward on the basis of figures which we quoted are never even printed or given publication by the Press which circulates amongst the Caste Hindus and amongst the constituents of my friends opposite. How will the Hindu public ever come to know the true facts of the case? They have got to listen to one-sided public speeches and read one-sided literature and they derive their knowledge and frame their political opinion from those papers which circulate among them. If you want that the controversy should be conducted along reasonable channels and along fair and just channels, be fair to both parties and present both sides of the case and let the vast Hindu majority judge; and then, Sir, I am certain that whatever may be the view of some of the leaders who desire to get the leadership in their hands, the vast Hindu public will not be misled in

its judgment. The Hindu public knows that we are out to do justice. It knows that we are merely giving expression to the views, to the almost unanimous views of a large community, which lives side by side with it and with which it has got to carry on its daily business; and therefore, I am certain, Sir, it is not going to take notice of all this agitation and tub-thumping challenges which are thrown out. Sir, I rely upon the commonsense and the sense of fairness and justice of the Hindu community, and I think, Sir, that this Government is entitled to rely upon it; and if only the Hindu public knew what the true facts were, I think it would not pay the least attention to this agitation and would not, if I may say so, risk a conflagration for absolutely no reason and no gain at all.

Sir, the Hon'ble the Chief Minister has stated that a subsequent Bill will be placed before this House which will meet the wishes of many members, such as lowering of the franchise and tightening up of the administration of the Corporation so that it may run along efficient lines. We shall attempt to place that Bill before this House, as soon as possible, and we hope, Sir, that we shall receive from the reasonable section of the publi support for that Bill. Sir, before I close, I would like to refer to some of the remarks of Mr. Humayun Kabir. He has placed a formula before us for acceptance. Sir, this formula is unfortunately a very imperfect version of a formula placed before the country by no less a person than the late Maulana Muhammed Ali, and which was passed in my very presence at a meeting held in the Muhammad Ali Park. I may say, Sir, that at that time Maulana Muhammed Ali was so anxious that this formula should be accepted that I took as much part as it was possible for me to take in seeing that the formula was accepted. Now, Sir, that formula was placed before the country and was rejected. It is no use coming to a House like this and asking it to accept this formula for a civic local body. Leaders of public opinion of both communities considered the formula sponsored by a person of the type of Maulana Muhammed Ali, weighed it in the balance and declared that either they will accept joint electorate or they will accept separate electorate, but they will not have a middle course. If that formula at any time is accepted by the leaders of public opinion, namely, those who form these opinions and those who after forming the opinions are able to deliver the goods, Sir, I take it that both the communities will fall in line with that formula and accept it, but until such time comes, we must leave the consideration of the matter entirely out of the scope of practical politics.

Sir, yesterday Mr. Kamini Kumar Dutta asked the Government to co-operate with the Congress. I desire to give my views: they may be personal. We do desire to co-operate with the Congress, and that not because it has got power and organisation, but because it has people

of character and people of influence and they have behind them a volume of public opinion. Sir, it is only by co-operation on both sides that the real problem of the country can be solved. But what opportunity do you give us for co-operation? You always adopt a hostile attitude, and anything that we put forward on behalf of Government you oppose for opposition's sake, and on every possible occasion you charge us with malafides and with all kinds of evil motives. And then, Sir, may I further ask, what is the value of this co-operation between the Congress and the Muslim party in this province where the Muhammadans are in a majority and where they do wield a certain amount of influence in the administration of the province? If you really want co-operation between the Congress and the Muhammadan community, you should show this co-operation in those provinces where the Muhammadans are in a minority. Treat them like human beings if not like brothers, give them a certain status in your politics, ask them to come and co-operate with you, and first of all try to meet them and you will get their whole-hearted co-operation. Here is a big body like the All-India Muslim League and here is your organisation; and if these two bodies co-operate, it will solve the problem of the Hindus and the Muhammadans. You can take it from us, Sir, that not only will we then co-operate with you but will try our best to meet your wishes in every possible manner. Please do not think that we are not sincere. We do really want a permanent settlement of the problem that affects not only the Muhammadans and Hindus of this province, but also the Muhammadans and Hindus throughout India. (Mr. LALIT CHANDRA DAS: Please compare the position of the Muhammadans in the Congress provinces with the position of the Hindus here.) Sir, there is no comparison. I happen to be in contact with the Mussalmans in the other provinces, and we know how much they suffer.

To-day, Mr. Ranajit Pal Choudhuri has delivered a speech in which he has entirely mistaken the attitude of the Chief Minister. He said that the Chief Minister has threatened retaliation. No, Sir; neither the Chief Minister nor this Government nor any other Government can retaliate. As a matter of fact, Government does not retaliate, Government administers; and in respect of those persons who are bent upon the path of mischief, Government gives a timely warning to desist from it. Government has no desire to retaliate. Government looks upon all persons inhabiting this province as subjects of the British Government with an equal eye, and we should like to be on friendly terms and on the most cordial terms with those persons whose destinies we have to administer. Sir, I would assure Mr. Ranajit Pal Choudhuri and those who may think on those lines that there can be no threat of retaliation, nor have we any desire to retaliate.

Mr. PRESIDENT: The Hon'ble Minister should conclude now.

The Hon'ble Mr. H. S. SUHRAWARDY: All right, Sir, I think I have made the points which I desired to make. I only desire to refer to a point raised by Mr. K. C. Roy Chowdhury with regard to the conduct of Mr. B. N. De, the very reputed Engineer of the Calcutta Corporation, towards Trade Union members. The seats which we have given to the Trade Unions are meant for labourers themselves, so that they may have their own representatives in the Corporation. If Government had even by some sort of mischance said anything, one-tenth as harsh towards Trade Unions as Mr. B. N. De is stated to have done, Government would have stood condemned and would never have heard the end of it all. I will surely take note of that and I am sure that Mr. B. N. De does not mean what he has stated, and that the proper perspective will be brought to bear towards labour problems by the Corporation,—the same kind of perspective that Government has toward labour problems,—in order that the welfare of the labourers may be promoted. Sir, I oppose the motion for circulation.

***Mr. MOAZZEMALI CHOUDHURY:** বিগত কয়েকদিন যাবত কলিকাতা মিউনিসিপাল বিলের যে আলোচনা এই সভাগৃহে হোচ্চে, তাতে বাক্যবাণের কুরুক্ষেত্র সৃষ্টি হোয়েছে বোলে আমার মনে হয়। আমি আশা করি বন্ধুদের সমবেত চেষ্টায় এই বাক্যবাণের কুরুক্ষেত্র সত্যকার কুরুক্ষেত্র মহাযুদ্ধের সূচনায় গিয়ে পর্য্যবশিত না হয়। এই চার দিন যাবত আলোচনার ভিতর থেকে আমি যে কয়েকটি বিষয় লক্ষ করে দেখেছি, তা থেকে সামান্য ২।১টি কথা এখানে উল্লেখ করতে চাই। তার ভিতর প্রধানতঃ এবং প্রথমতঃ, আমার হিন্দু বন্ধুদের,—এই সভাগৃহের ভিতরকার এবং বাইরেকারও এই বিলের সম্বন্ধে যে মনোভাব প্রকাশ পেয়েছে, তাই আমি আলোচনা করবো। সমস্ত হিন্দু জনসাধারণের মনে এই বিশ্বাস হোয়েছে, যে বর্ত্তমানে এই মিউনিসিপাল সংশোধনের বিলের দ্বারা হিন্দুদের যে প্রাধান্য ছিলো করপোরেশনের ভিতর তা দূরীভূত করা হোয়েছে। এবং তাদের আরো ধারণা হোয়েছে যে সেই প্রাধান্যতা খর্ব্ব কোরে, তাদের সংখ্যা গরীষ্ঠতা লুপ্ত কোরে, সংখ্যা লঘিষ্ঠে পরিণত করা হোয়েছে। বিগত কয়দিনের আলোচনা, এবং ডেপুটি প্রেসিডেন্ট, তারপরে Hon'ble Chief Minister আমার বন্ধু হুমায়ুণ কবির, মিঃ সারওয়ার্দ্দি,—এঁদের বক্তৃতা থেকে স্থিরভাবে প্রতিপন্ন হোয়ে গেছে যে বাস্তবিক পক্ষে হিন্দুদের যে সংখ্যা গরীষ্ঠতা সেটা সংখ্যা লঘিষ্ঠতায় পরিণত হয় নাই। এবং তারা খুব পুঙ্খানুপুঙ্খরূপে সমস্ত বিষয় আলোচনা কোরে এটা দেখাতে সমর্থ হোয়েছেন যে, বাস্তবিকই যে কোন অবস্থাতেই হোক এই বিলের বিধান অনুযায়ী তাঁরা ৫৫ থেকে ৫৭টা আসন যে দখল কোরতে পারবেন সে বিষয়ে কোন সন্দেহ নাই। অবশ্য একথা সত্য যে এই বিলে তাঁদের জন সংখ্যার অনুপাতে আসন নির্দ্দিষ্ট করা হয় নাই। সে বিষয়ে আমি এইটুকু বোলতে চাই যে হিন্দুদের জনসংখ্যা অনুসারে আসন নির্দ্দিষ্ট না হলেও, সে আসন মুসলমানের ভাগে গিয়ে পড়ে নাই। পোড়েছে তৃতীয় পক্ষ য়ুরোপীয়ানদের ভাগে। সেদিক দিয়ে আমি এই বলছি যে হিন্দুদের ন্যায্য অধিকার থেকে যদি গভর্ণমেন্ট তাদের বঞ্চিত করেন তা হলে সে বিষয়ে তারা বাস্তবিকই নিন্দনীয় পাত্র। এবং সেই সঙ্গে সঙ্গে আমি আমার হিন্দু বন্ধুদেরও অনুরোধ কোরতে চাই, যে ভাবে তাঁরা আন্দোলন চালাচ্ছেন

*An authorised English translation of these Bengali speeches will be found in the Appendix.

সেটা প্রকৃত পক্ষে গিয়ে মুসলমানদের মনে অন্যভাবে প্রতিফলিত হোচ্ছে যার ফল খুব শুভকর হবে ব'লে আমার মনে হয় না। আমি এবার মুসলমানদের দিক থেকে এই বিলটা কি ভাবে চিন্তা করা হচ্ছে সেবিষয় আপনাদের কাছে উপস্থিত কোরতে চাই। যখন কলিকাতা মিউনিসিপাল বিল উপস্থিত করা হয়, আমার যতদূর মনে আছে তাতে এই কথাই প্রথমে বলা হোয়েছে এবং বাস্তবিক এ কথা প্রকাশও পেয়েছে যে মুছলিম লিগে election manifesto যে ছিল, তার ভিতর কোলকাতা Corporation এর সংশোধন বিল উপস্থিত করবার জন্য লিগ মনোনীত প্রার্থীরা প্রতিশ্রুতি দিয়েছিলেন। সত্য কথা। কিন্তু কেন এই সংশোধনী বিল আনবার প্রতিশ্রুতি তাঁরা দিয়েছিলেন—যদি সেটা আলোচনা কোরতে যাই তা'হলে দেখতে পাই, বিগত কয় বছর মুসলমানেরা তাদের চাকরীর দাবী যখন Corporation এ উপস্থিত করেন, তখন সেই চাকুরীর দাবী হিন্দু কাউন্সিলারগণ অর্থ্যাৎ Corporation মেনে নেয় নাই, সেইজন্য মুসলমানদের ভিতর যে বিক্ষোভের সৃষ্টি হয় সেই বিক্ষোভের ফলে Corporation এর election মুসলমানেরা বয়কট করে এবং তার পরে সেই আন্দোলনের এই পরিণতি হোয়েছে। আমি নিজেই বুঝতি পারছি না মুসলমানদের উপর যে অন্যায় করা হোয়েছে তাদের যে ন্যায্য অধিকার থেকে বঞ্চিত করা হোয়েছে সেই ন্যায্য অধিকার এই বিলের দ্বারা কি ক'রে ফিরে পাবে আমি সত্য সত্যই বুঝতে পারছি না। আমার মনে হয় যদি এই বিল এই ভাবেই পাশ হয়, তদ্দ্বারা আমাদের ন্যায্য অধিকার তো পাবোইনা বরং সমস্ত হিন্দুদের সঙ্গে আমাদের সাম্প্রদায়িক মনোমালিন্যের যে সূত্রপাত হোচ্ছে, তার ফলে যে অধিকার আমরা বর্ত্তমানে লাভ ক'রেছি সেই অধিকার থেকেও আমরা বঞ্চিত হব।

আমি এখন একে একে সেই সমস্ত বিষয়ের আলোচনা কোরব। একথা খুব সত্য যে বাস্তবিকই বর্ত্তমানে Corporation এ মুসলমানদের যে অধিকার পাওয়া উচিত contract বিষয়ে বা চাকুরী বিষয়ে সম্পূর্ণভাবে সে অধিকার তারা পাচ্ছে না। এটা অস্বীকার কোরবার উপায় নাই। এবং এটাও অস্বীকার কোরবার উপায় নাই যে Corporation এর administration এ অনেক গলদ আছে, nepotism, bribery প্রভৃতি সমস্তই বর্ত্তমান। আমার মনে হয় বর্ত্তমান বিলে তা প্রতিকারের কোন ব্যবস্থাই করা হয় নাই। আমি সেই কথাই বোলছি যে মুসলমানের স্বার্থ রক্ষার জন্য, মুসলমানের ন্যায্য অধিকার পাবার জন্য, এই বিল উত্থাপিত হলেও সে সম্বন্ধে আমি নাকি যা ভেবেছি সেই দিক দিয়ে বোলতে চাই যে, প্রথমতঃ বিলে যে নির্দ্দিষ্ট সংখ্যা আসন মুসলমানদের জন্য রাখা হোয়েছে তাদ্বারা এটা প্রতিপন্ন হয় না যে, মুসলমানেরা উক্ত সংখ্যক প্রতিনিধি দ্বারা Corporation এর কোন কাজ কর্ম্ম বা Corporation এর উপর প্রভুত্ব বা প্রতিপত্তি বিস্তার করা বা ইচ্ছা মতন কোন কাজ করার সুযোগ যে তারা পাবে তা আমার মনে হয় না। Separate election এর দ্বারা যে সমস্ত প্রতিনিধি সেখানে উপস্থিত হবে, তাঁরা প্রত্যেকেই মিঃ ফজলুল হক, স্যারওয়ার্দ্দি, আবদার রহিম এমন কি মিঃ জিন্নাও যদি হন, সমস্ত ২২টি member ই যদি ঐ রকম able এবং এই রকম উপযুক্ত লোক হন তা'হলেও Corporation এর Council এ ভোটের বেলায় এই ২২ জন ২২ জনই থাকবেন—তাঁরা যতই কেন ভাল বক্তৃতা করুন না, এই সভাগৃহে যত বক্তৃতাই করুন না কেন, যত ন্যায্য কথাই বলুন না কেন এই party politics এর উপর গভর্ণমেণ্ট যখন পরিচালিত তখন গভর্ণমেণ্টের Chief Whip যখনই জানাবেন, member দের ইচ্ছার বিরুদ্ধে হলেও তখন party র সকলেই গভর্ণমেণ্টের দিকে ভোট দিতে বাধ্য হন। সেই রকম, যত গলাবাজিই করুন না, যত reasonable কথাই বলুন না কেন, হিন্দু সমাজ যদি বলে যে তারা বুঝবে না, তা'হলে কোলকাতা Corporation এ যদি মুসলমান প্রতিনিধিগণ ২২ হাত কেন, যদি ৪৪ হাতও তোলেন, কোন সময়ই তারা নিজেদের মত সেখানে প্রতিষ্ঠিত কোরতে পারবেন না। আজকে যে joint electorate এর প্রথা প্রচলিত আছে সেই প্রথা অনুযায়ী যদি

আমাদের ২২ জন নির্বাচিত হয়, তা'হলে বাকী যে ৪৭ জন হিন্দুদের ভিতর থেকে নির্বাচিত হবে তাঁদের election আমরা influence ক'রতে পারব। তার উদাহরণ স্বরূপ আমি ব'লতে চাই;—ধরুন বন্ধুবর নরেশ মুখার্জ্জি তাঁর Ward থেকে Councillor দাঁড়ালেন, তাঁর প্রতিদ্বন্দ্বি হিন্দু মহাসভার আর একজন দাঁড়ালেন, আমরা যদি মনে করি নরেশ মুখার্জ্জি দ্বারা মুসলমানদের স্বার্থ রক্ষা হোতে পারে, আর নরেশ মুখার্জ্জি যদি আমাদের কাছে উপস্থিত হোয়ে আমাদের সাম্প্রদায়িক স্বার্থ রক্ষা করবেন, এই প্রতিশ্রুতি দেন, তা'হলে আমরা solid support তাঁকে দেব এবং তা'হলে পরবর্ত্তি নির্বাচনে মুসলমানদের ভোট পাবার আশায় তাঁর প্রতিশ্রুতি রক্ষা ক'রে Council এ তিনি আমাদের কথা বলবেন এবং আমাদের ন্যায্য দাবী সমর্থন ক'রবেন, এ আশা আমরা কোরতে পারি এবং fact এ ও দেখা গ্যাছে—মুসলমানদের জন্য library, hospital, club প্রভৃতির জন্য হিন্দু কাউনসিলারগণ প্রস্তাব উপস্থিত ক'রেছেন, সমর্থন ক'রেছেন এবং তাদের সমর্থনেই সে সমস্ত প্রস্তাব গৃহীত হোয়েছে। আজ যদি separate election প্রচলিত হয়, তা'হলে নরেশ মুখার্জ্জির বা হিন্দু Councillor দের নিকট মুসলমানদের যাবার প্রয়োজনই হবে না। তাই যে সুযোগ আমরা পেয়েছি ৪৭ জন হিন্দু Councillor দের ভিতর থেকে নিজের পছন্দমত লোক নির্বাচন করবার যে সুযোগ পেয়েছি, সেই সুযোগ হারাব। আজ যে নাকি দরিদ্রতম মুসলমান election এর সময় তাঁর নিকটেও লক্ষপতি হিন্দুকে যে আসতে হচ্ছে সেই সুযোগ হারিয়ে ফেলবো, যদি separate election এর প্রবর্ত্তন করা হয় এবং প্রকৃতপক্ষে তার কোন benefit আমরা পাচ্ছি না। Separate electorate এর দ্বারা মুসলমানদের ২২ জনের চেয়ে বেশী লোককে influence ক'রবার কোন ক্ষমতাই হবে না। কাল Chief Minister ব'লেছেন Corporation কংগ্রেস থেকে পরিচালিত হচ্ছে এবং এই বিলের ফলে সেখানে কংগ্রেসের হিন্দুরা বেশীর ভাগ আসতে পারবে না, কিন্তু কংগ্রেসের ভিতর যেরূপ লোক কাজ করে তাতে ভাল লোক অনেক আছেন, মুসলমানদের প্রতি সহানুভূতি সম্পন্ন কত লোক আছেন। সেই জায়গায় সেখানে সমস্তই communalist হিন্দু যদি প্রবেশ করেন, যদি তারা সেখানে গিয়ে মুসলমানের নাম শুনলেই, বা মুসলমান শব্দ শুনা মাত্রেই তাদের ভাবান্তর হয়, এবং তাদের দ্বারাই যদি civic administration চলতে থাকে, তা'হলে তাদের বিরুদ্ধে ২২ জন মুসলমান কি করতে পারে? সেক্ষেত্রে চাকরী বা contract এর কথায় তারা তাদের কাছ থেকে কি আশা করতে পারেন? যদি বাস্তবিক মুসলমানদের যেজন্য Corporation এর বিরুদ্ধে আন্দোলন সুরু হোয়েছিল, সেই বিল আনেন তা'হলে কংগ্রেস থেকে বা হিন্দুদের থেকে কোন আপত্তি হবে না। তাদের সেই অবিমৃষ্যকারিতার দরুণই এই অবস্থার সৃষ্টি হোয়েছে। যদি সেই সময় তারা কতখানি উদার হোয়ে মুসলমানদের সেই দাবী পূরণ করতেন, তা'হলে এই অবস্থার আজকে সৃষ্টি হতো না। আর একটা কথা যুক্ত নির্বাচনের দ্বারা যতই true type of Mussalman পাঠান না কেন আপনারা সকলেই জানেন, Corporation এর বয়কট প্রস্তাব যাঁরা সুরু ক'রেছিলেন, তাঁরা সকলেই joint election এর দ্বারা Corporation নির্বাচিত হোয়েছিলেন। যদি তাঁদের মধ্যে সত্যকারের মুসলমানের spirit না থাকতো তা'হলে তারা Corporation বয়কট করবার জন্য চেষ্টা করতেন না। আমি মনে করি না যে যুক্ত নির্বাচনের দ্বারা true type of Muslim নির্বাচিত হয় না। এ ধারণা সম্পূর্ণ ভুল।

(Here the member having reached time-limit, asked Hon'ble the President আমি আর একটু সময় পেতে পারি কি? তাহলে আমি শেষ কোরতে পারি।)

Mr. PRESIDENT: খুব সংক্ষেপে শেষ করুন।

***Mr. MOAZZEMALI CHOUDHURY:** আমার ব্যক্তিগত ধারণা এই যে, এই বিলের দ্বারা বাংলার মুসলমানদের স্বার্থসিদ্ধ হবে না, বরং স্বার্থের হানি হবে। যেভাবে franchise বর্তমানে আছে তাকে যদি আরো নিম্নতর না করা হয় তাহলে এখানে বাঙ্গালী ভোটারের সংখ্যা বৃদ্ধি হবার কোন কারণ নাই। আমাদের বর্তমান ভোটারদের দ্বারা up-country মুসলমানই অধিক সংখ্যক ভাবে নির্ব্বাচিত হবেন যাদের স্বার্থ বাঙ্গালী মুসলমানদের স্বার্থের চেয়ে কতকটা বিভিন্ন। তারা এই কলিকাতাস্থ তাঁদের বড় বড় ফার্মে ক'জন বাঙ্গালী মুসলমানকে চাকরী দিয়ে থাকেন? হিন্দুরা আমাদের আফিসের চাকরী দেয় না, য়ুরোপীয়ানরা আমাদের চাকরী দেয় না বোলে আমরা আপত্তি কোরছি। কিন্তু হাজি আদমজিদাউদ, আব্দুল আজিজ প্রভৃতি যে সব বড় বড় ফার্ম আছে তাতে কয়জন বাঙ্গালী মুসলমান চাকরী লাভ কোরেছে? সুতরাং আমার মনে হয় এই বিলে যখন বাঙ্গালী মুসলমানদের স্বার্থহানি হোচ্চে তখন এ সম্বন্ধে বাঙ্গালীদের সকল শ্রেণীর মতামত জানার জন্য বিলটী বিভিন্ন organisation এর নিকট circulation এর জন্য পাঠানো হোক। এ বিল এখানে পাশ হলেও, কর্পোরেশনে হিন্দুদের মেজরিটি বরাবরই থাকবে। তাদের নির্ব্বাচিত প্রতিনিধিদের দ্বারা, যে সব সিলেক্ট কমিটি হবে তাতে যদি সেন্ট পারসেন্ট যদি হিন্দুই নির্ব্বাচিত হয় তাতে বাধা দেবার কেউ থাকবে না, আজ অবশ্য তাদের দয়ায় ৩ জন কোরে মুসলমান মেম্বর আছে কিন্তু এই সুযোগ হোতে তারা separate নির্ব্বাচনের ফলে বঞ্চিত হবে।

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I move that the question be now put?

Mr. KADER BAKSH: No, Sir, there are many more members to speak.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Sir, in spite of my serious objection to some features of the Bill specially relating to separate electorates for the Muslims which I regard as distinctly harmful to the best interests both of the country as well as of the community, I am extremely sorry that I am not in a position to support the amendment moved by my friend Dr. Radha Kumud Mookerji for eliciting public opinion, as in my opinion no purpose will be served if this amendment is carried. It will simply put off the evil day for some time. In my humble opinion, of course the Bill will be carried, and it will only embitter the feelings between the two communities. It is already embittered almost to a breaking point. Sir, it is true that the party to which I have the honour to belong is wedded to the principle of separate electorates and not only my Muslim friends in this House but outside it, not only in Bengal but all over India. They are not prepared to accept joint electorates under the present conditions and they regard any interference with that as a serious encroachment upon their sacred rights and privileges. Therefore, Sir, it will be of no use to make an attempt to convince the Muslim public at this juncture of the futility of separate electorates. But I will be failing

*An authorised English translation of these Bengali speeches will be found in the Appendix.

in my duty if I do not sound a note of warning to the Government against the grave risk which they are taking by introducing separate electorate in the Calcutta Corporation. I will beg of them to reconsider their decision and to come to some amicable settlement with the Hindus, and I hope that nationalist Hindus, if they are nationalists, will not grudge to give two or three seats to the Muhammadans in excess of their numbers or of the taxes they pay. In my humble opinion separate electorates are not only harmful, not only detrimental to the natural growth of National India and to the early realization of self-determination for the people of this sub-continent, but in my humble opinion they are distinctly harmful to the best interests of those who are in a minority or those who are in a majority numerically but educationally weak and economically backward as the Muslims of Bengal are. Although they are in a majority in this House, and have formed a Government of their own, but they have not so far succeeded in initiating any social or economic drive in the province simply due to the want of co-operation of the Hindus. The Hindus regard this Government as an alien Government. Why? Because they are returned on separate electorates. There is a strong European group which due to its over-representation, due to the Communal Award, has secured a balancing power, and it is the Europeans who are really ruling Bengal. It was a very unpleasant, I will say pathetic, sight to see the Congressmen working hand in hand with the Europeans in order to defeat the Government, and it was said by the Hon'ble Mr. Nalini Ranjan Sarker that the Congressmen have succeeded in winning over the Europeans, but I should say the reverse was the case, because the Europeans are more expert in exploiting the Indians, whether they are Congressmen or non-Congressmen. The Europeans joined with the Congressmen in order to teach a lesson the Government, lest we forget that they are here to govern.

Now, Sir, let us see what is the achievement of this Government? While the small provinces like Bihar and Sind, whose budget estimates are less than that of the Calcutta Corporation, have succeded in driving illiteracy from their provinces and thousands of educated persons are co-operating and are giving their services voluntarily in order to drive out illiteracy from the province, Bengal is conspicuous by reason of her inactivity. Why? Because, people are not co-operating. The influential Hindu minority is not co-operating with us, and although we are a majority we are not strong enough to make our will prevail in the province. We find, Sir, that in Bombay a great experiment in Prohibition, a great experiment against eradicating the drink evil from among the masses is being carried on although the Europeans are required to get a medical certificate or a licence to carry on the evil habit. The Bombay Government is trying the great experiment to eradicate the evil of drinking from the province and crores of rupees

are lost to the Government which is made up by various taxations which people are gladly consenting to bear. In Bengal, we cannot take to such legislation simply because in the first place, the House will not pass such legislation, and in the second place where is the money to come from? Similarly, in Madras, Hindustani is being forced upon the people against their will, let me say it, but the Government is determined to carry its wishes. In Bengal, although there are 55 per cent. of the population who are in favour of Hindustani, and I think my Hindu friends also do not object to that, still the Government is unable to make any provision for Hindustani in Bengal.

Now, Sir, coming to the Bill itself, I would ask the Hon'ble Minister in charge whether he seriously expects that 22 Muhammadans, however sincere they may be, of the calibre of Sir Abdur Rahim, Mr. Fazlul Huq or Mr. Suhrawardy, will be able to secure the rights and privileges of the Muhammadans which have been trampled under foot by the Corporation under the Calcutta Municipal Act? With the Hindus and Muhammadans constantly quarrelling with each other, the benefit would be reaped by some other community, namely, the Europeans. If 22 Muhammadans are returned on the war cry "Islam in danger," owing to Hindu domination, owing to Congress domination, will any self-respecting Hindus co-operate with them? I think not. Moreover, it is not possible that these 22 poor Muhammadan Councillors will not come into conflict with the Hindus who will be communal Hindus. Now, Sir, what will be the result while the Hindus and the Muhammadans will fight with each other? Will not the other party take advantage and dominate the proceedings of the Corporation as they are doing in the whole of Bengal? It may be said that exploitation by our own men is far better than exploitation by foreigners, for if the exploiters are European they will take away all the fruits of this exploitation, whereas if the Hindus exploit us the money will remain in the country. And it may be that they will exploit us to-day and we will exploit them to-morrow.

Sir, in the Statement of Objects and Reasons, it is given out that joint electorates have failed to return true representatives of the Muhammadan community. So far as I remember, Sir, only one election has been held through the joint electorate and we find that Khan Bahadur Abdul Momin, Mr. Ispahani, and others of the same class and type of persons who used to be returned on separate electorate were returned through the joint electorate. And it is not a fact that these 19 Muhammadans gave up their seats and came out at the behest of the community. It is true that some of them were returned in 1936, but think it is a mistake to boycott any Legislature or public bodies. In that case, Sir Bijoy Prasad Singh Roy advised them to stick to their posts and not to come out. Moreover, in order to punish these people who are in the Calcutta Corporation, according to Mr. Hamidul Huq

Chowdhury, I think we should not punish the rate-payers of Calcutta. Whenever we go to the Corporation, the officers there do not treat us according to the community to which we belong as civic rights are independent of that. So, in the name of the Muslim rate-payers also, I appeal to the Government that they should reconsider their decision and come to a compromise with the Hindus, so that there may be peace and amity in Bengal.

Mr. W. B. C. LAIDLAW: Sir, I move that the question be now put.

Mr. PRESIDENT: I accept the closure motion. The Minister in charge of the Bill may now exercise his right of reply.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, on behalf of the Government, my friend the Hon'ble Mr. H. S. Suhrawardy has given replies to the different speeches made in this House. I shall confine myself to some general remarks about this Bill. First of all, Sir, I want to say that I did not at all like the tenor and spirit of the speech of the hon'ble member opposite, I mean Mr. Ranajit Pal Chaudhuri. I may tell him that challenges lightly made or accepted do not do any good to the country. If he cares to remember, he will find that since the last year Congress leaders have been throwing out challenges after challenges either to Mr. Fazlul Huq or to his government, but have they been able to act up to even an inch of those challenges? So, by unnecessarily accepting challenges or throwing out challenges, they are putting difficulties in the way of the progress of the province, and particularly in the way of the amity and concord between the two great communities for which all of us are appealing to each other.

Sir, there are two questions involved in the modification of the Calcutta Municipal Act. The first is the question of electorates and the other is the apportionment of seats among the different communities. As to the electorates, Sir, there can be no difference of opinion, I think, that joint electorate is the best ideal to be attained. But the question here is not whether the joint electorate is the best or separate electorate is the worst. The question is, whether if the Muhammadan community as a whole do not accept joint electorate, we should by any means in our power force that down their throats. That is the real issue in this connection, and anybody who cares to see the reality of the situation will see that good, bad or indifferent, a majority, a preponderant majority of the Muslim community, want that there should be separate electorate.

My hon'ble friend Khan Bahadur Abdul Karim, Leader of the Coalition Party in this House, has in a very lucid speech explained with

admirable clarity and sincerity the reason why the Muhammadans want separate electorate, and I think that he has voiced very truly the wishes of his community in this matter. Of course, Mr. Kamini Kumar Dutta said that there was no demand on the part of the Muhammadan masses for separate electorate. My friend Mr. Suhrawardy has referred to the big mass meeting held in Calcutta and it may be that in the mufassil the Muhammadan masses have not organised meetings demanding separate electorate, but their representatives in the Legislature have almost to a man, barring some honourable exceptions like Mr. Humayun Kabir and one or two others, been throughout supporting the demand for separate electorate. Even the Opposition Krishak Proja Party in the Assembly, though opposed to separate electorate in the initial stages of the Bill, dared not oppose the Bill at the third reading but remained neutral. I must here congratulate Mr. Humayun Kabir on the bold stand he has taken for joint electorates, although the overwhelming majority of the representatives of his own community are against joint electorates. The strength of mind and independence he has thus shown are really commendable. I was struck by the ring of sincerity in his speech. But the fact remains that Professor Kabir's persuasive eloquence has not yet succeeded in converting many of his community to his way of thinking. That is a hard fact which it is not helpful to ignore. The preponderating majority of the representatives of the Muslim community in the Legislature insist on separate electorate and will not accept a joint electorate. I would indeed have been very happy if even Professor Kabir's present formula that no candidate would be returned if he did not succeed in securing at least 25 per cent. of the votes of the electors of the other community were accepted, for this would have been the first step towards evolving a full-fledged joint electorate at a future date. The Muslims to-day have got legislative power in their hands and they are conscious that they can get a measure passed in the Legislature if they really want to. That being the position, a bitter opposition to separate electorates may increase the communal disharmony and is not likely to lead to amity and understanding between the two great communities in the prevailing conditions. I feel that dark clouds overhang us and the future of the province is extremely ominous if some sort of understanding and working harmony cannot be established between the two communities in the near future. The Communal Award placed its seal on separate electorate. If that arrangement is to be changed or reversed, I doubt if it could be done by a fight between the two communities. The easier method would be that of mutual agreement and persuasion. I believe the Congress also realises this and that it is due to this fact that, in spite of its dislike of separate electorate as being anti-national, it has adopted in regard to the Communal Award an attitude of "neither accept nor reject." Even some of those Bengal Congress leaders who had opposed the Communal

Award lock, stock and barrel, and won the elections to the Central Assembly from Bengal constituencies against those who accepted the Official Congress attitude of "neither accept nor reject"—even these Congressmen, it appears, have now taken up the Official Congress attitude and come to realise that Muslim feelings being what they are to-day, an aggressive policy in this matter will not be helpful. Under these conditions and circumstances, I think, Sir, that we should not try to bitterly oppose the demand of the Muhammadans for separate electorate. We shall have to wait for the day when we shall be able to convince them or they will themselves be convinced that joint electorate is the best for national development.

Next, Sir, I come to the question of seats allotted to the Hindus. On this point, I must frankly state that I personally feel that a just treatment has not been meted out to the Hindus in this matter and that they have not been given their just dues. My friend, Khan Bahadur Muhammad Jan, has very ably put the case in this respect. In the past, the Hindus had opportunities when they could have secured an increased number of seats for their own community, but this was a matter which did not exercise their minds very much at that time. But now, if they press for an increased representation for themselves, it is because, with the introduction of separate electorates each class or community is going to have its separate share of representation and on that basis the Hindus, who constitute the overwhelming majority of the population of Calcutta, should have their due share of representation. I believe it is not very difficult to satisfy the Hindu demands and sentiments in this matter. For, by giving just about three more elected seats, I consider it would be possible to pacify the resentment felt by the Hindus throughout the province, if not to satisfy all sections of them. This could, moreover, be done without in any way affecting the strength of the Muhammadan representation. I would, therefore, appeal to the Hon'ble the Chief Minister—and I feel emboldened by his speech of yesterday,—and I also want to appeal to the representatives of the great Muhammadan community in this House to consider in the calmer atmosphere of this House whether it may not yet be possible to effect a readjustment in this respect and thereby establish harmony and understanding between the two major communities. Should such a readjustment be possible, I would request them to see that a sense of prestige or *zid* does not stand in the way of making that readjustment. The Hon'ble the Chief Minister has himself on various occasions stressed the necessity of satisfying and upholding the just rights of the various communities.

At the time of the non-confidence debate, he had clearly expressed what he considered to be the mission of his administration. "So long as", that is what he said, "we are in power, it is our intention to introduce an era of peace and good-will in the country and bring about

Swaraj, not the *Swaraj* that dwells in the cloud-land of fancy, but real substantial *Swaraj* which is based on an appreciation of the just rights and claims of all parties concerned, that is, of all classes of people." A very fine and dignified sentiment indeed! Again, during the discussion in the Lower House in connection with representation in the Public Services of the various communities, he said, "It is no use, and I say it deliberately, for the Muslims to appropriate 60 per cent. or 70 per cent. of the posts, if by doing so they alienate the co-operation, the sympathy and the whole-hearted support of the other sister communities in the province."

If in pursuance of this spirit and these admirable sentiments, a settlement could now be arrived at between the two great communities, that would be for the permanent good of the province and for developing harmony, understanding and friendliness between the two great communities. I feel and I fervently appeal that if there still be a way for such a settlement, it should be explored with all emphasis. This is too serious a matter to be conceived in the spirit of a narrow political or party game, and if in order to bring some discomfiture to the Bengal Congress Party as a political organisation the Bill be passed as it is, the entire Hindu community would be led to harbour a strong feeling of unfair treatment and injustice done to them. To have a whole community dissatisfied and smarting under a grievance like that can never be for the good of the province. Moreover, even if the Bill be passed as it is, would it after all be able to deprive the Congress Party of its hold over the Corporation? Past experience would seem to show that they may be able to attract a good many Muslims and also Europeans with offers of offices such as Mayoralty, Deputy Mayoralty and membership of the various Standing Committees and thereby obtain and maintain a hold over the Corporation's affairs.

Now, Sir, I am sorry that my hon'ble friend, the Leader of the Opposition in this House, has raised the question of nepotism, corruption and other things in the administration of the affairs of the Calcutta Corporation. Mr. Kamini Kumar Dutta has denied the existence of corruption, favouritism and nepotism in the administration of the Calcutta Corporation. It leads me to call in question the truth of his statement, for nobody would probably have felt happier than myself if these ugly traits had not besmirched the record of Congress administration of the Calcutta Corporation. But it is now an open secret that not only have corruption and nepotism been rampant in the administration of the Corporation, what is worse, the spirit of dictatorship is also slowly entrenching itself in this democratic institution. I regretfully refer to these ugly features of the Congress administration of Calcutta Corporation so that the Hindu public may take the matter to their hearts, seriously think over it, exert itself to purge the evils attaching to the present administration of the Corporation, and re-establish its fair name. We, Hindus, pride ourselves as being

educated, cultured and honest citizens. We must keep up our reputation, as otherwise we may find ourselves in the not very comfortable predicament of a person living in a glass house and trying to pelt stones at other people's dwellings. Even though politics may not altogether be eschewed from the administration of an institution like the Corporation in the present political development of the country, the desirability as well as the necessity of not utilising the power, which the control of its administrations confers, as a mere tool for furthering purely sectional and party purposes even at the risk of the economy and efficiency of the administration, will not, I believe, be questioned by anybody. And it is high time that the Congress authorities as well as the Hindu public which is generally identified with the Congress bestowed on these questions their most serious and earnest consideration.

Sir, Mr. Ranajit Pal Choudhuri has attacked the Huq Government on the ground that it is full of nepotism, corruption and favouritism. Sir, I have served both these institutions. I am a member of the Bengal Government and I had to do important things in the Calcutta Corporation also for a long time. From my experience, I can at once say in reply to Mr. Pal Choudhuri that the affairs of the Calcutta Corporation in their ugly features are ten times worse than what exists in the Bengal Government. I do not deny, Sir, that there may be instances of favouritism here and there, and I think under the prevailing condition in every human institution you will find something or other of that kind. Not that the members of the Government are particularly strong in that matter, but I do claim, Sir, that the system of administration in the Government is such that even if one wanted to do something to favour a friend or was inclined to nepotism or corruption, one cannot very easily do it. I will give an example. It is possible in the Calcutta Corporation to appoint a man who applies verbally, not by written application, in the morning, say at 7 o'clock and get himself appointed at 8 o'clock the same morning by the Services Committee. I admit, Sir, that I myself had to submit to party pressure in discharging my duties as a member of the Corporation Services Standing Committee. But even Mr. Fazlul Huq, the Chief Minister of Bengal—not to speak of the other Ministers—will not be able to do that even if he wanted to do so. If a vacancy in the superior services has to be filled up, it will have to be advertised stating the qualifications required. Then it will go to the Public Service Commission; the Services Commission will select the candidates and then it will come back to the Government. So, even if anyone wanted to do certain things, I want to inform Mr. Ranajit Pal Choudhuri, that it is not possible, because of the system that prevails in the Government whereas in the Corporation, even by passing on slips to the members of the Services Standing Committee, the person in power in the Congress Party can get appointments made. In some cases, you will not find

even an application for a post. But, Sir, I do not want to raise this question only to defeat a political rival. Really, Sir, I sincerely feel, as I told you before, that we, Hindus, take pride that we are the foremost citizens of this city. Those who belong to the Congress organization must realize that they are members of a great organization which has been recognized throughout the world. If such persons are prone to such favouritism, if they are prone to such corruption, even assuming that members of the party in power are sometimes given to favouritism, how could one expect a higher standard of conduct from the representatives of the village agriculturists, the illiterate agriculturists? Even if they do certain things this way or that way, you cannot blame them when you educated men, the best elements in our society, want to do much worse things. I will ask Mr. Kamini Kumar Dutta, Dr. Radha Kumud Mookerji and other friends to realize this and to enquire into the affairs of the Calcutta Corporation and ascertain how it is being managed now. The motive in seeking control over the Corporation seems to be not to use that power for civic work and civic good, but to use the influence which a hold over the Corporation gives, for party or personal ends and aggrandisement. I do not want that Government should enquire into it. I say, let Kamini Babu try to appoint a member of the Congress like Pandit Jawhar Lal Nehru or even Mr. Nariman who belongs to the Forward Bloc, and get the affairs of the Calcutta Corporation investigated. If what I say is not true, I will make a public apology and I will be sincerely sorry that I am making this statement here.

The Hindu community throughout the province, and particularly in Bengal, has unmistakbaly expressed its resentment against and disapproval of the Calcutta Municipal Bill, and a very strong agitation is being carired on in this matter. My hon'ble friend Mr. Suhrawardy has said that it is an artificial agitation. Sir, the agitation is not artificial. It may be that the entire case of the Government with facts and figures are not available to them. They might be misled here and there. But in general, I find men carrying on agitation who have nothing to do with politics. Whatever may be the reason, it is a genuine agitation. They are perturbed that really the rights of the Hindu community are being assailed. It may be, Sir, that there is no need for the agitation, but the fact is that there is an agitation. The agitation has taken such a shape that they are now demanding that the Caste Hindu Ministers should resign. They are feeling it so keenly. Of course, I do not say that it is an informed agitation and that in demanding the resignation of the Caste Hindu Ministers they have understood the implication of that demand. I think the implication of that demand for resignation should be properly understood. What is the implication? They want us to resign. Why? Because, the Muslims are pressing for a separate electorate. The logical conclusion would be that no Hindu will co-operate with the Muslims in the

administration of this country until the Muslims are agreeable to a joint electorate. Otherwise, there is no meaning in that agitation. If I go, somebody else will come. If that resignation is to be a constitutional issue, it must be that when the Muslims are trying to have separate electorates in the Calcutta Corporation, unless and until they agree to joint electorate, no Hindus will co-operate with them. I think, Sir, it is a very dangerous thing. Sometimes, resignations, are taken recourse to and it is certainly a recognized method of constitutional protest, but if resignations are to be resorted to on a question like this, then we must be prepared for fight, fight, fight and nothing else. Boycott means fight. And I do not think that by fighting we shall move an inch towards the ideal which we are all interested to reach. Having regard to the realities of the situation as they are in this province, is it likely that such a course would constitute an effective pressure on the Muslims for revising their attitude on the question of electorates? On the other hand, is it not rather likely that this may create a tense atmosphere in which communal bitterness would be intensified all the more—a situation which certainly cannot be to the good of the province? I do not, therefore, consider that the stage has come in this matter when the extreme step of resignation should be taken. When even in the Legislature we are working under separate electorates, the introduction of separate electorates in the municipal sphere would hardly seem to be a very reasonable ground for resignation, much though one might dislike the abolition of joint electorates now. As regards apportionment of seats in the Corporation, from the very outset I had been insistent about two points: one was that the Hindus should be given an elected majority in the Corporation, although I may not have been so bold as to suggest the actual margin of that majority, that is, how large it should be. My other point was that the Scheduled Castes should have a joint electorate along with the other Hindus and not a separate electorate. These are the two fundamental questions which we have been pressing before our colleagues in the Government. Our points have been accepted by the Government in both these matters, though it may have been just a bare acceptance. Any how, the principle I fought for has at least been technically recognised. The Scheduled Caste supporters of the Government were insistent about separate electorates. But the Government could not accept this and provided for joint electorates in the Bill. In the Select Committee, however, the Scheduled Caste members at one stage persuaded the majority to alter this to separate electorates, but at the end owing to our insistence the original idea of joint electorates prevailed. The Scheduled Caste members then demanded that all their seats should be filled by nomination. If that were done, in a House of 97, the elected Hindu seats would have been 47. Now in a House of 93, elected Hindus would number 47, just a bare majority, and if all of them combine they can get the five

Aldermen also from among their own group. Besides, there would be three additional Scheduled Caste seats by nomination. They may be henchmen of Government, but we have provided for their separate representation because they are Hindus.

Dr. RADHA KUMUD MOOKERJI: May I rise on a point of correction, Sir? The Hon'ble Minister says 47 but it is not 47 but 45.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes; I said 47. We knew before our plans had seen the light of day—we knew that two seats must be excluded from the 47 General seats, because in two constituencies the European Voters predominate. So, Hindus will get 45. The two Labour seats are also elected seats. From official records I find that 80 per cent. of the labourers in the city of Calcutta are Hindus, so there will be no difficulty in getting the two Labour seats also as they are Hindus. That is why I said 47.

Dr. RADHA KUMUD MOOKERJI: What about the approved Trade Unions?

The Hon'ble Mr. NALINI RANJAN SARKER: Even under the approved and recognised Trade Unions from Labour seats, the majority of Hindus have come to the Assembly.

Sir, I have given my earnest thought to this matter and I am satisfied, as far as my knowledge and information goes, that Hindus will, in the end, get 47 elected Hindu seats in the Corporation. So, regarded communally, it cannot be said that the Hindus are being relegated to the position of a minority, although it is true that their position would not be as strong as they could justly claim, and which has been emphasised by Khan Bahadur Muhammad Jan. Moreover, I do not think that in the actual working, the Corporation would be run on communal lines; if it does, then even an increase in the voting strength of the Hindus would not make for a happy situation, for a communal administration cannot naturally be conducive to real civic welfare and progress. To judge by past experience, however, I believe that when it comes to actual working, this would not be on communal lines, although the elections to the Corporation may be on communal tickets. Further, it has to be realised that the Hindus are making a departure in seeking a reservation for themselves. They have not been anxious to do so in the past. However, even if the needs of the present situation may call for this change in their attitude, the Hindus should clearly realise to what lengths they should go in this matter. In view of the attitude I have taken at the initial stages of the Bill and also in view of the subsequent facts, I do not think that a situation has been created where we should be justified in pressing the matter to the breaking point now. On personal grounds, I might resign at

any time if I felt that this was necessary. But if I am to resign on national grounds or on any particular issue, the implications of the issue must be fully and clearly understood. On a dispassionate examination of all the relevant facts in connection with this Bill and remembering that many of the demands we had pressed for have been accepted, I do not think there is sufficient cause for resignation by the Caste Hindu Ministers on the question of this Bill.

But all the same, as I have said before, I would appeal to the Chief Minister and the representatives of the great Muslim community to consider whether this bitterness, this feeling of injustice felt by the Hindu community could not be rectified by giving them a few additional seats, as has been suggested by my friend Khan Bahadur Muhammad Jan and also by Mr. Moazzemali Choudhuri. I want them to consider this question dispassionately apart from party politics. Please consider it from the point of view of the great Hindu community, who if pacified, may co-operate with the Government, as my friend Muhammad Jan has pointed out, and with their co-operation a great many things can be done. I am not pressing an exaggerated claim. To-day, the fact is that public opinion means Hindu opinion, because the Muhammadan masses have not yet become so vocal in Bengal. The machinery through which public opinion is created is in the hands of the Hindus to-day. So, if Hindu opinion is always against the working of this Government, I think the Government will not be able to do many things, such as social works which my friend the Khan Bahadur has mentioned, and even if they can be done, they will be done at a great cost. Sir, I can give you one example of what I mean. For instance, we are examining a scheme for the examination of the health of school children in the mufassil areas. Under the present conditions, if Government has to make this experiment, they will have to appoint paid medical men which will mean a very heavy annual recurring expenditure. But if the leaders could appeal to the doctors practising in the district towns and even in the interior, to give us two days in the month for this purpose, we could succeed in taking up this matter at a nominal cost. In various other social spheres, it can be shown that if workers of both the communities join hands together and if there is a machinery for creating opportunities and throwing open those opportunities to both the communities, many things which Government want to do will be done easily and at less cost, than if it were to be done by Government alone. Compared with the Congress Governments in the provinces—if a dispassionate comparison of the work done there and here in Bengal is made—it will be seen that there is not the least doubt that we are not behind them, but the fact is that all the public press and public opinion in the country is in their favour. Sir, it has not so far been possible for us to enlist the press in our favour, and that is why everybody thinks that the Bengal Government is a reactionary Government and is practically doing nothing. This is

a matter which should be considered very sincerely and dispassionately, and I do not think that if any concession is made, it will hurt the prestige of the Government or the supporters of the Government. With these few words, Sir, I oppose the circulation motion. As a matter of fact, no one has tried to make out a case for circulation of this Bill, but everybody has spoken on the issues of joint and separate electorates. Everybody has spoken on the general aspect of the Bill, but nobody has cared to make out a case for the circulation of the Bill. For that reason, Sir, I oppose the motion for circulation.

Mr. PRESIDENT: The motions before the House are that the Calcutta Municipal (Amendment) Bill, 1939, be taken into consideration, and also the amendment of Dr. Radha Kumud Mookerji that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939. I shall first place the amendment before the House.

The question before the House is that the Calcutta Municipal (Amendment) Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

(The question was negatived.)

Mr. PRESIDENT: I will now put the main motion: That the Calcutta Municipal (Amendment) Bill, 1939, be taken into consideration.

(The question was agreed to.)

Mr. PRESIDENT: We will have no work to-morrow, and I have decided that the time by which amendments should be submitted should be 4 o'clock to-morrow. As the House will not be sitting to-morrow, members will have ample opportunity of giving notice of amendments. I have asked the office to remain open till 5 p.m. this evening, though owing to the morning session the office closes at 12 noon. Consideration of the Bill clause by clause will be taken up on Monday.

The House now stands adjourned till 8 a.m. on Monday, the 29th May.

Adjournment.

The Council then adjourned till 8 a.m. on Monday, the 29th May, 1939.

Members absent.

The following members were absent from the meeting held on the 25th May, 1939:—

(1) Mr. Humayun Reza Chowdhury.
(2) Mr. Nagendra Chandra Datta.
(3) Khan Bahadur S. Fazal Ellahi.
(4) Alhadj Khwaja Muhammad Esmail.
(5) Maulana Muhammad Akram Khan.
(6) Begum Hamida Momin.
(7) Rai Bahadur Satis Chandra Mukherji.
(8) Mr. H. P. Poddar.
(9) Rai Bahadur Radhica Bhusan Roy.
(10) Mr. Sachindra Narayan Sanyal.
(11) Rai Sahib Indu Bhusan Sarker.
(12) Mr. D. H. Wilmer.

B. G. Press—1939-40—3888A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 29th May, 1939, at 8 a.m., being the sixteenth day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the chair.

Oath of Allegiance.

Mr. PRESIDENT: Any member desiring to take his seat will please come to the Table and take his oath or make his affirmation of allegiance in the manner prescribed.

The following member made the affirmation of allegiance:—

Mr. Amulyadhan Roy.

QUESTIONS AND ANSWERS

Registration Department of Bengal.

71. Mr. SHRISH CHANDRA CHAKRAVERTI: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he gave any written order or issued any written instruction to the Inspector-General of Registration, Bengal, or Registrar of Assurances, Calcutta, in conformity with his statements made on the floor of the Bengal Legislative Assembly and Council on the 7th and 6th March, 1939, respectively?

(b) Is it a fact that in the answer to question No. 79 on the 6th March, 1939, Government stated in the Bengal Legislative Council that the circular in question had been issued by mistake and under a misapprehension?

(c) Is it a fact that the Registrar of Assurances, Calcutta, again issued another circular, dated the 5th April, 1939, which runs as follows:—

> "All members of this office establishment (clerks, copyists, extra-copyists) are directed not to take any part in matters of the so-called All-Bengal Registration Employees' Association which is since not recognised by the Government, *vide* copy of the letter No. 395 Regn., dated the 31st March, 1939"?

(*d*) Is it a fact that the Registrar of Assurances, Calcutta, forced his employees not to join the sixth Annual Conference of the All-Bengal Registration Employees' Association fully knowing that it would be opened by the Hon'ble Mr. N. R. Sarker?

(*e*) If the replies to clauses (*a*) to (*d*) are in the affirmative, does the Government contemplate to take any action in this matter? If not, why not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker on behalf of Mr. A. K. Fazlul Huq): (*a*) No.

(*b*) Yes.

(*c*) Yes.

(*d*) No.

(*e*) Does not arise.

The Calcutta Municipal (Amendment) Bill, 1939.

Mr. PRESIDENT: The House will now consider the Calcutta Municipal (Amendment) Bill, 1939, clause by clause.

The first clause deals with the name of the Bill, and indicates the time when it will come into force. Before other clauses are settled, it is not the usual practice to take up this clause for consideration. Clause 2 deals with "Definitions". Some amendments have been tabled to include the definitions of such terms as Buddhists, Jews, Anglo-Indians, etc., etc. So, I think clause 2 also should not be taken up at this stage. I will, therefore, take up clause 3 to begin with.

Now, sub-clause (*1*) of clause 3 deals with the total number of councillors. It should, therefore, be taken up last. The House will now proceed with the consideration of sub-clause (*2*) of clause 3 which deals with the constitution of the Municipal Corporation, arrangements for election, nomination and co-option.

The first motion stands in the name of Rai Surendra Narayan Sinha Bahadur—I mean amendment No. 7. I would like to make it clear to him that this amendment which aims at the total omission of sub-clause (*2*), will mean the omission of the provision in the present Bill that there should be 8 nominated councillors. This being an amending Bill, if you delete sub-clause (*2*) altogether, you will only keep the present position intact. So, I am afraid the hon'ble member has not fully appreciated the effect of his amendment. However, are you going to move your amendment, Rai Bahadur?

Rai SURENDRA NARAYAN SINHA Bahadur: In that view, Sir, I do not move my amendment.

Mr. PRESIDENT: Then comes amendment Nos. 57-58 of Khan Sahib Abdul Hamid Chowdhury and Mr. Humayun Kabir, suggesting that sub-clause (*b*) of clause 3 be omitted.

Mr. HUMAYUN KABIR: Sir, I have an amendment which says that section 20 (*b*) be deleted. I do not find that at the moment.

Mr. PRESIDENT: We are now dealing with clause 3 of the Bill and section 5 of the Act.

Mr. HUMAYUN KABIR: The present amendment deals with the omission of the Bill clause only, but I have another amendment by which I want to omit the clause in the Act itself.

Mr. PRESIDENT: That will come later. Are you going to move your amendment or not?

Mr. HUMAYUN KABIR: No, Sir; I am not going to move it.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg to move that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*), for the word "eight" in line one, the word "four" be substituted, and all the words beginning with "of whom" in line 2, and ending with "shall be appointed" in lines 3 and 4, be omitted.

Sir, the main principle which has guided me in moving this amendment is to discard the system of nomination and to relieve Government of the difficulties which they have been experiencing in the matter of nomination ever since the inauguration of provincial autonomy. As a matter of fact, I gave notice of another amendment abolishing *in toto* the system of nomination. But on second thought, it appears to me that we should not propose such a drastic change all on a sudden. Accordingly, I have decided to have recourse to this *via media*. My present proposal seeks to reduce the number of nominated councillors from 8 to 4. Thus, 4 seats will be released. I find that in the Bill now before the House, three seats have been allocated to the Schedule castes out of the eight nominated seats. So far as the number of seats proposed to be given to them is concerned, I do not want to disturb it. I want that these three seats should be earmarked or reserved for the Scheduled castes, but I do not like that they should come through the back-door of nomination. I want them to come through

election. As regards the remaining one seat out of the 4 seats that would be released, my proposal is to keep it reserved for the Muhammadans. In this connection, I beg to submit that this is rather a compromise proposal which should be accepted by my Congress friends, by my Hindu friends in general and also by my Muhammadan brethren. I also hope that it would be accepted by Government. Sir, what are we experiencing in the matter of nomination? It has now become a pawn in the political game. The main principle on which nomination should really be made cannot be observed under the present circumstances. So, my amendment will relieve the Government of an unpleasant task to a great extent.

Then, Sir, I make a further appeal to my Hindu brethren and particularly to my Congress friends who always talk of a common brotherhood. I think, Sir, in my amendment I have shown sufficient gesture for that common brotherhood and I shall be very glad if they can see their way to accept my amendment. As regards my Muhammadan brethren, I think in the interest of my community which is uppermost in my hind, my amendment will be acceptable to them also. Sir, the amendment does not require any long explanation or elucidation of my point of view. I have already stated that I have decided to move this amendment in a spirit of co-operation and in a spirit of common brotherhood. I do not like that we should be quarrelling over these matters in perpetuity. As regards the Scheduled castes, I do not think that they will lose anything by the arrangement proposed in my amendment. There may be one or two persons who may be affected by my amendment, but in the larger interests of the community as a whole, one or two persons' interests are not worth consideration. It may be argued that the one seat which I propose to keep reserved for Muhammadans, might be allotted by nomination also, but, Sir, where is the certainty that it will go to a Muhammadan? There is no certainty that the present Government will continue in perpetuity and there is no certainty that the next Government will follow the same principle in the matter of nomination as the present Government is expected to do. So, I think it is sure and certain that if we can have one more seat for the Muhammadans by election, it will be a gain to our community. Thus, from all points of views, I feel emboldened to think that my amendment will be acceptable to this House. With these few words, I commend my amendment to the acceptance of this House.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 3 of the Bill, in proposed clause (*b*), for the word "eight" in line one, the word "four" be substituted, and all the words beginning with "of whom" in line 2, and ending with "shall be appointed" in lines 3 and 4, be omitted.

Mr. HUMAYUN KABIR: Sir, I beg to support the amendment moved by my hon'ble friend Khan Sahib Abdul Hamid Chowdhury. As you will find from the list of amendments, I also have an amendment to the same effect. Personally, I have always believed that nomination as a whole should go and you may recollect, Sir, that I moved in this House a Bill which proposed to do away with nomination in local bodies altogether. But I need not go into the details of that measure for the abolition of nomination. Generally, it may be said that nomination defeats the purpose of election, for Government often nominates persons who do not deserve or enjoy the confidence of the community which they are supposed to represent. On many occasions, it has been found that a candidate who has been defeated in an open election comes back through the back-door of nomination. Not only that, Sir; nomination gives Government a hold over the opinion of a large section of the community. Many men do not consider themselves free to do as they like because they expect a nomination. Therefore, the whole system of nomination should go. I wanted to move an amendment to the same effect but I do not find that at the moment on the list, and therefore my next best alternative is to support the amendment of the Khan Sahib, because it reduces the number of nomination to a negligible quantity, namely, four. The arguments he has advanced are sufficiently cogent and I am sure the House will be convinced by the line of thought which he has placed before it. The other day, my hon'ble friend Mr. H. S. Suhrawardy said that he, too, was opposed to nomination on principle. On principle he did not like nomination, but that if he tolerated it for sometime he did so only because it was a necessary evil. Again, he said that he did not want to divide the Hindu community into two sections, but observed that the Scheduled castes themselves wanted nomination. But I think, Sir, that the scrutiny of the voting in the Lower House will not bear this out. If we take the voting of the Scheduled caste members, I do not think any case will be made out that the Scheduled castes as a whole want nomination; only a certain section of the Scheduled castes want it,—that section which depends on the patronage and the favour of Government for holding the position which it does now. Therefore, the Scheduled castes also do not want nomination, and as has been pointed out by the Khan Sahib, through nomination persons come who are very often undesirable. By reducing the number of nomination to four, we are releasing four seats and the position is that of these four seats, three should go to the Scheduled caste Hindus. Instead of having four seats reserved for the Scheduled castes through the elective system as proposed in the Bill at present, he wants to increase the number of Scheduled caste seats to seven. But he wants that all the seven should come through election, so that they will enjoy the confidence of the Hindu community as a whole. He also proposes to increase the number of Muslim seats by one. I am sure, nobody in

the House will object to that because, to-day we find that in Calcutta about 25 per cent. of the total population is Muslim, and 23 seats out of 93 represent a fair proportion for them.

Therefore, Sir, this amendment seeks to do justice to the Hindu community. That this Bill has done injustice to the Hindu community need not be gainsaid. It is true that the Hindu majority is retained, but that majority is a precarious majority. In any case, a community which is 70 per cent. of the population should not be reduced to a position where it has a bare majority of only one among elected members. Therefore, Sir, from that point of view, a great injustice has been done and it has always been my belief that the communal problem in India will be solved if it is approached not from the point of view of narrow interests of any one community, but from the point of view of communal justice. I shall defend every Muslim who stands for the right of the Muslim community so long as he does not, in demanding the right of the Muslim, try to perpetuate any injustice upon any other community. After all, justice should be greater than any other consideration in public affairs, and men who stand on justice will deserve and will win the confidence and also the support of all the communities and all reasonable sections of the people in the country. Therefore, Sir, from the point of view of communal justice also, it is necessary that the Hindus should have a few more seats. It is also necessary that the Muslims should have at least one more seat. Therefore, Sir, we have in mind these considerations, namely, nomination as such is on principle bad and leads every often to undesirable and, sometimes even one might say, dishonest results. Again, Sir, from the point of view that there should be justice between the communities themselves and that the Hindu community should have a greater share than has been provided in this Bill and at the same time the Muslims should have adequate representation, I support the amendment which has been moved by Khan Sahib Abdul Hamid Chowdhury.

Mr. NARESH NATH MOOKERJEE: Sir, I wish to lend my——

Mr. PRESIDENT: Order, order. If the hon'ble member desires to catch the eye of the Chair, he must speak from his own seat.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, on behalf of Government, I must oppose this motion of my friend Khan Sahib Abdul Hamid Chowdhury. As the Nawab Bahadur of Dacca said in the course of his reply in the Lower House, Government has appointed a Special Officer to go into the merits of the system of nomination and until that report is available and until the Government is fully satisfied that nominations are not necessary, the system of nomination must find a place in its scheme of things. So, I oppose this amendment on behalf of Government.

Khan Bahadur ATAUR RAHMAN: On a point of order, Sir. May we know the personal views of the Hon'ble the Leader of the House instead of his referring to the views of the Hon'ble the Nawab Bahadur in the Lower House?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I am here to present the Government view-point and not my personal views. My personal views are well known.

Mr. HUMAYUN KABIR: What about the reduction of four nominated seats? It is not a question of the abolition of the system of nomination.

The Hon'ble Mr. NALINI RANJAN SARKER: Quite true. But I must oppose the amendment on behalf of the Government. We do not accept it.

Mr. PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*), for the word "eight" in line 1, the word "four" be substituted, and all the words beginning with "of whom" in line 2, and ending with "shall be appointed" in lines 3 and 4 be omitted.

The House divided :—

AYES—21.

Banerjee, Rai Bahadur Keshab Chandra.
Barua, Dr. Arabinda.
Bose, Rai Bahadur Manmatha Nath.
Chakraverti, Mr. Shrish Chandra.
Choudhury, Mr. Moazzemali.
Chowdhury, Khan Sahib Abdul Hamid.
Das, Mr. Lalit Chandra.
Dutta, Mr. Kamini Kumar.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Mukherji, Rai Bahadur Satis Chandra.
Pal Choudhuri, Mr. Ranajit.
Poddar, Mr. H. P.
Roy, Mr. Amulyadhan.
Sanyal, Mr. Sachindra Narayan.
Sen, Rai Sahib Jatindra Mohan.
Singh Roy, Mr. Salleswar.
Sinha, Rai Bahadur Surendra Narayan.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES—20.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Chowdhury, Mr. Khorshed Alam.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Hossain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Scott-Kerr, Mr. W. F.

(The amendment was carried.)

Mr. PRESIDENT: The difficulty arising out of this amendment having been carried is that most of the other amendments to clause 3 cannot be moved. The House has only accepted the proposal that the number of seats by nomination should be reduced from eight to four. But how this has to be distributed will have to be arranged.

Mr. HUMAYUN KABIR: There are many amendments on that, Sir.

Mr. PRESIDENT: But it must be arranged in a way so that they can be moved. The House has accepted only the suggestion for reduction.

The Hon'ble Mr. NALINI RANJAN SARKER: That will come in the schedule, Sir.

Mr. PRESIDENT: The proposal contained in the amending Bill before the House that three nominated seats should go to the Scheduled castes has also gone out.

The Hon'ble Mr. NALINI RANJAN SARKER: That will come when we consider the schedule.

Mr. PRESIDENT: That is so. But the present position is that by the reduction of nominated seats, the whole arrangement will have to be altered, because in the Bill itself there is arrangement for eight nominated councillors and also suggestions as to how those eight seats are to be distributed. But, now that number having been reduced to four, it will be both for the Government and for the non-official members to suggest how these four seats are to be distributed. If the House desires to take time to consider the situation which has thus arisen, the Chair would be willing to allow time.

Khan Bahadur NAZIRUDDIN AHMED: Sir, after the passing of this amendment, the whole position should be reconsidered. It cannot be done on the floor of the House. The amendment is of a very radical character and as a consequential remedy, the redistribution of the seats will require very careful thought. It will require rebalancing of the entire Bill and the various factors and the weightage to the different elements in the constitution of the Corporation. In these circumstances, it would be very desirable to adjourn the House to enable the parties to reconsider the position and submit consequential amendments as they might think fit.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, may I make one submission? When I was moving my amendment and making my speech, I made my position quite clear.

Mr. PRESIDENT: Order, order. You made your position quite clear and your speech was very clear also; but the House has accepted not your speech but your amendment. As has been pointed out by Khan Bahadur Naziruddin Ahmad, in view of the amendment having been carried, it will be necessary both for the Government and also for the Opposition to decide how to distribute these seats. If the House agrees, the consideration of this matter may be postponed with a view to giving time to all the parties to consider this matter.

Mr. HUMAYUN KABIR: May I rise on a point of submission, Sir? We have received the consolidated lists of amendments only this morning and we have not yet been able to consider the question of nomination, this way or that. We consider this matter to be the backbone of the Bill. Therefore, I submit that the House may be adjourned till Monday next; for Wednesday next is a holiday and after Wednesday there are two days only for sittings of the Council. We shall not be in a position to discuss the matter on Thursday or Friday. Therefore, I submit that we might meet on Monday next and take up the amendments serially and proceed with the business of the House without further break.

Mr. MESBAHUDDIN AHMED: Sir, that will be very convenient.

Mr. PRESIDENT: What do you say, Mr. Sarker?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, let me have five minutes time to consider the matter.

Mr. PRESIDENT: Mr. Kamini Kumar Dutta, what is your opinion?

Mr. KAMINI KUMAR DUTTA: I just want to say that anticipating that a consequential amendment might be called for if the amendment were carried, to indicate as to how these four seats which have just now been released should be allocated, I did give notice of an amendment just to this effect. This is an amendment to sub-clause (*1*) of clause 3 that out of four, one should be released.....

The Hon'ble Mr. NALINI RANJAN SARKER: Government think, Sir, that Monday will be too long a time. I would suggest Thursday, for the next sitting.

(Many members expressed themselves in favour of the House meeting on Monday.)

Mr. PRESIDENT: As regards fixing of time, it is for the Governor to do so, I have nothing to do with it.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: By the amendment having been accepted, the whole character of the Bill has been changed and we require time for consideration of the situation which has arisen as the result thereof. The date of our next meeting may be left to His Excellency the Governor and yourself, Sir, but still we appeal to you that Monday is the day which my party thinks suitable.

Mr. PRESIDENT: Under the present rules, it is for the Governor to fix the dates on which sittings of this House should be held, which means the Governor as instructed by the Ministry of the day. Under the new rules proposed by the Rules Committee, it may be different; but under the existing rules, it is for the Governor to fix the date.

The Hon'ble Mr. NALINI RANJAN SARKER: I submit, Sir, that the entire character of the Bill has not been changed. The amendment has only made a change in the matter of distribution of two Muhammadan seats and for that purpose such a long interval, that is, about a week, is hardly necessary. In this view of the case, Sir, I am not prepared to go beyond Thursday.

Mr. PRESIDENT: All right. The House stands adjourned till 8 a.m. on Thursday, the 1st June, 1939.

Adjournment.

The Council then adjourned till 8 a.m. on Thursday, the 1st June, 1939.

Members absent.

The following members were absent from the meeting held on the 29th May, 1939:—

(1) Mr. Kader Baksh,
(2) Mr. Humayun Reza Chowdhury,
(3) Mr. Narendra Chandra Datta,
(4) Alhadj Khwaja Muhammad Esmail,
(5) Mr. Kanai Lal Goswami,
(6) Nawabzada, Kamruddin Haider,
(7) Mr. Mohammad Hossain,
(8) Alhadj Khan Bahadur Shaikh Muhammad Jan,
(9) Begum Hamida Momin,
(10) Rai Bahadur Radhica Bhusan Roy,
(11) Mr. K. C. Roy Chowdhury,
(12) Khan Bahadur M. Shamsuzzoha.
(13) Mr. D. H. Wilmer.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 1st June, 1939, at 8 a.m., being the seventeenth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

All-Bengal Registration Employees' Association.

72. **Mr. SHRISH CHANDRA CHAKRAVERTI:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) whether there is an association named the All-Bengal Registration Employees' Association;

(b) whether it is a fact that this Association has applied for recognition by Government and that the case is now under consideration of the Government;

(c) whether the Hon'ble Minister is aware that the 6th session of the annual general conference of the Association was due to be held on the 7th and 8th April, 1939, and whether the Hon'ble Mr. A. K. Fazlul Huq, the Chief Minister and the Minister in charge of the Education Department, was approached to perform the opening ceremony of the conference, but that he declined for want of time; and whether he is aware that the Hon'ble Mr. Nalini Ranjan Sarker, the Finance Minister, consented to perform the same;

(d) whether on the 5th April preceding the date fixed for the conference, the Registrar of Assurances, Calcutta, issued a circular directing the staff under him not to take any part in the conference and whether as a result the conference had to be abandoned;

(e) whether a similar circular had previously been issued by the said Registrar, and on a complaint made by the President of the Association he was informed that the circular was issued under a misapprehension;

(f) whether on the 6th March, 1939, in answer to question No. 79 in the Legislative Council, the Hon'ble the Chief Minister explained the position;

(*g*) the reasons for this attitude and behaviour of the Registrar of Assurances, Calcutta;

(*h*) whether Government approves of the said action of the Registrar; and

(*i*) whether the Government proposes to transfer the said officer to some other station, and to take suitable action in the matter; if not, why not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*), (*c*) and (*f*) Yes.

(*b*) Government have since refused recognition to the Association.

(*d*) The circular in question, issued to a few members of the staff of one office on the previous day, had nothing to do with the failure of the conference. The Registrar had no knowledge that the conference was to be held when he issued the circular, which was issued on the basis of Government's letter declining recognition to the Association.

(*e*) Yes, but the circular was not similar.

(*g*) The Registrar thought that members of his staff should not join an Association not recognised by Government.

(*h*) Yes. The idea of the Registrar was reasonable.

(*i*) No.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state on what day the Government refused recognition to the Association?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I want notice.

The Working of the Madrassah Committee.

73. Khan Bahadur KAZI ABDUR RASHID: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state how far the working of the Madrassah Committee has advanced?

(*b*) Is the Government aware of the great importance that the Muhammadan community attaches to the findings of this Committee?

(*c*) Does the Government propose to retain the services of the official expert who is connected with the work of the said Committee?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Replies to the questionnaire

issued by the Committee have been received and are being printed for circulation to the members.

(*b*) Yes.

(*c*) I am not in a position to reply to this question.

Khan Bahadur Kazi ABDUR RASHID: Arising out of answer (*c*), may I know from the Hon'ble Minister why he is not in a position to reply to this question, because the retention of the services of the official expert will facilitate and expedite matters of this Committee?

The Hon'ble Mr. NALINI RANJAN SARKER: I have given the information of the Minister in charge of the Education Department.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state how many sittings this Committee had so far?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice, Sir.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state on what day this Committee was appointed?

The Hon'ble Mr. NALINI RANJAN SARKER: For that also I want notice, Sir.

Mr. PRESIDENT: Order, order. Is it not better for Government to fix upon some particular Minister to answer questions in the name of the Hon'ble Mr. A. K. Fazlul Huq, as he is generally absent and supplementary questions pertaining to the departments under his charge cannot be answered by any other Minister?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, Sir.

All-Bengal Registration Employees' Association.

74. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the District Sub-Registrars of Alipore, Bogra, Burdwan, Pabna, Nadia, Howrah, Hooghly, Mymensingh, Faridpur, and Head Clerks of Calcutta, Alipore, Jessore, Khulna, Midnapore and Dinajpur Sub-Registry offices have been threatening their subordinates with punishment if they continue their membership in the All-Bengal Registration Employees' Association, a body duly registered under the Trade Unions Act?

(*b*) Is it a fact that a circular in the following terms was issued on the 5th April, 1939, by the Registrar of Assurances, Calcutta:—

"All the members of this office establishment (clerks, copyists and extra-copyists) are directed not to take any part in matters of the so-called All-Bengal Registration Employees' Association which is since not recognised by Government—*vide* copy of letter No. 396-Regn., dated the 31st March, 1939, herewith enclosed"?

(*c*) Has the officer any right to issue such circulars in direct contravention of the Trade Unions Act passed by the Government of India?

(*d*) If the answers to clauses (*b*) and (*c*) are in the affirmative, will the Hon'ble Minister be pleased to explain why the circular mentioned in clause (*b*) above was issued?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No.

(*b*) Yes.

(*c*) and (*d*) The circular referred to was issued without the knowledge of the Inspector-General of Registration or Government. The Registrar of Assurances thought it desirable that the employees of his office should not join an association which is not a genuine service association and not recognised by Government.

Registration Department.

75. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) With reference to the question No. 79 of the Bengal Legislative Council, dated the 6th March, 1939, is it a fact that the Hon'ble Minister in charge of the Education Department stated that it was found that the circular in question had been issued by the Registrar in error and under a misapprehension?

(*b*) If the answer to clause (*a*) be in the affirmative, will the Hon'ble Minister kindly state who will compensate for the loss of the association caused thereby?

(*c*) Is it a fact that the District Registrar of Howrah has been compelling the copyists of his district to copy 14 pages (4,200 words) and double the comparison daily which is against circular No. 11306-32, dated the 5th August, 1938, issued by the Inspector-General of Registration, Bengal?

(*d*) If the reply to clause (*c*) be in the affirmative, does Government contemplate to take any action in the matter? If not, why not?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) Government does not consider that any loss has been sustained in this connection by the Association of which Government has since refused recognition after careful consideration.

(*c*) and (*d*) Fourteen pages of copying and the comparison of double the number of pages are not insisted upon. Good *muharrirs* voluntarily show such outturn. Inspector-General of Registration as stated in my answer to question No. 123(*c*) by Mr. K. C. Roy Choudhury, M.L.C., is examining the whole system and I am awaiting his report.

Realization of audit-fees from all Government aided schools in the Presidency Division.

76. Mr. RANAJIT PAL CHOUDHURI: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether it is a fact that a circular letter No. 3532(302)/XX/20, dated the 27th February, 1939, over the signature of the Inspector of Schools, Presidency Division, was addressed to the Secretaries of all aided high schools, middle schools and junior madrassahs in the Presidency Division, calling upon all such institutions to pay an audit-fee, ranging from Rs. 50 to Rs. 15 according to their respective income, to the auditors in order to get their annual accounts audited;

(*b*) whether it is also a fact that it has been directed by the said circular letter that while the schools are not required to provide free board for the auditor and his assistants, it is expected that reasonable facilities will be provided for their comforts and when possible they may be treated as paying guests;

(*c*) if the answer to clause (*a*) be in the affirmative, whether the case of institutions that possess no income, depending upon private or public charity month by month in order to supplement their resources, has been considered;

(*d*) whether all the implications of the direction conveyed by the aforesaid circular letter have been examined; and

(*e*) whether exemption will be allowed in case of poor institutions to get their auditing done by themselves through some recognised charitably-disposed auditor without any fee, or through the Accountant of the local District Board from which they receive their grant?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) to (*c*) Yes.

(*d*) The present system was introduced in the Presidency Division as also in some other places as a measure of experiment to check malpractices in keeping accounts. The question of the revision of the present system has already been taken up by the Department.

(*e*) Exemption is being allowed in deserving cases.

Mr. RANAJIT PAL CHOUDHURI: In view of Government's decision to revise the present system, will the Hon'ble Minister be pleased to state whether the payment of audit fees will be kept in abeyance till the revision is over?

The Hon'ble Mr. NALINI RANJAN SARKER: No.

Special training of teachers for Madrassahs.

77. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if he is aware of the fact that there is no adequate provisions at present for special training of teachers of "reform scheme" and "old scheme" *madrassahs*?

(*b*) What is the percentage of trained teachers of the reform scheme *madrassahs* of Bengal and what is the percentage of untrained teachers in those *madrassahs*?

(*c*) Does the Hon'ble Minister propose to open more training schools and colleges and special training centres to impart special training to these teachers to be specially employed in reform scheme *madrassahs* and old scheme *madrassahs*?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) The information is not readily available.

(*c*) I will look into the matter.

Grants-in-aid to old scheme Madrasahs.

78. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if he has formed any definite rules and laid down any conditions under which grants-in-aid can be given to old scheme *madrassahs*?

(*b*) If not, does he propose to frame rules at an early date for the benefit of these old scheme *madrassahs*?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) The rules governing grants-in-aid to new scheme *madrassahs* apply to old scheme *madrassahs* as well.

(*b*) The question does not arise.

Casual Leave.

79. Khan Bahadur NAZIRUDDIN AHMAD (on behalf of Dr. Arabinda Barua): Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) whether the officers and servants of the Bengal Government are allowed casual leave prefixing or suffixing the holidays and Sundays;

(*b*) if the reply to clause (*a*) be in the negative, whether he proposes to lift the ban, if any, in regard to the tacking of casual leave to holidays and Sundays;

(*c*) whether it is a fact that offices under the control of the Central Government, especially the offices of the Surveyor-General of India, Calcutta, and of the Deputy Accountant-General, Post and Telegraphs, Calcutta, permit the tacking of casual leave to the holidays and Sundays; and

(*d*) if the reply to clause (*c*) be in the negative, whether the Hon'ble Minister proposes to inquire into the matter?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) and (*b*) No.

(*c*) Yes.

(*d*) Does not arise.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister kindly state the reason why he does not propose to lift the ban?

The Hon'ble Mr. NALINI RANJAN SARKER: It will be more expensive.

Mr. LALIT CHANDRA DAS: Is it not a fact that the rules governing the grant of regular leave to Government servants are on the same principle both in the Provincial and Central Government, and if so, will the Hon'ble Minister please say why is this distinction being made by the Bengal Government in regard to casual leave only?

The Hon'ble Mr. NALINI RANJAN SARKER: That is being followed for a long time. Government does not see any reason to change it just now.

Mr. LALIT CHANDRA DAS: Will Government consider the desirability of changing it?

The Hon'ble Mr. NALINI RANJAN SARKER: Not just at present.

Appointments of the non-Bengali stenographers.

80. Dr. RADHA KUMUD MOOKERJI: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) the names of the non-Bengali stenographers holding permanent or temporary appointments in the Bengal Secretariat;

(*ii*) the position secured by them at the recruitment examinations held by the Public Service Commission in 1937 and 1938; and

(*iii*) the names of the first ten candidates in order of merit who were successful at the Public Service Commission Examinations held in the years 1937 and 1938 showing against each the appointment which he is holding at present?

(*b*) Will the Hon'ble Minister be pleased to state whether there are a large number of qualified Bengali stenographers who, in spite of their passing the Public Service Commission Examinations, are not getting Secretariat appointments and that non-Bengali stenographers are still being appointed?

(*c*) Does the Hon'ble Minister propose to stop the practice of appointing non-Bengali stenographers either temporarily or permanently and the retention of those amongst them who have been taken temporarily, till all the qualified Bengali candidates (Muhammadans and Hindus) are provided with permanent appointments as Secretariat stenographers?

The Hon'ble Mr. NALINI RANJAN SARKER: (*i*) and (*ii*) A statement is laid on the table.

(*iii*) A statement giving the necessary particulars is laid on the table.

(*b*) Vacancies are filled up in accordance with the rules governing the recruitment of Secretariat stenographers; these rules prescribe that subject to certain reservations for (*1*) typists and (*2*) Muslims, appointments shall be offered to successful candidates strictly in order of merit.

(*c*) The attention of the honourable member is invited to the reply given by me on 2nd May, 1939, to question No. 145 asked by Khan Bahadur Rezzaqul Haider Chowdhury, M.L.C.

Statement referred to in the reply to clause (a) of the question No. 80.

Names.	Position secured at and year of examination held by Public Service Commission.	Remarks.
Mr. A. Jagadisan ...	....	Were appointed before the Public Service Commission took over the recruitment.
Mr. T. K. Aiyar ...		
Maulvi Syed Osman Ali ...		
Mr. T. K. Duraiswami ...	2nd—1937	
Mr. T. K. S. Mani ...	1st—1937	
Mr. A. V. Harihar ...	8th—1937	
Mr. T. R. Srinivasan ...	4th—1937	
Mr. P. R. Venkateswaran ...	8th—1938	

Statement referred to in the reply to clause (a) (iii) of the question No. 80.

Examination held by the Public Service Commission in the year—

1937.

	Names.	Nature of appointment.
1	T. K. S. Mani ...	Stenographer (on probation).
2	T. K. Duraiswami ...	Stenographer and reporter (on probation).
3	Bhabesh Ch. Ghosh ...	Stenographer (temporary).
4	T. R. Srinivasan ...	Ditto.
5	Profulla Kumar Banerjee ...	Stenographer and reporter (on probation).
*6	Atul Chandra Sen Gupta ...	Nil.
7	Chandra Sekhar Banerjee ...	Stenographer (temporary).
8	A. V. Harihar ...	Ditto.
9	Amarendra Nath Mukherji ...	Ditto.
10	Shyama Charan Bose ...	Ditto.

1938.

	Names.	Nature of appointment.
1	Santosh Kumar Banerjee ...	Nil.
2	Khagendranath Choudhury ...	Stenographer (temporary).
3	Sukumar Gupta ...	Ditto.
4	M. Krishnan Kutty Manalar ...	Nil.
5	Durgapada Mitra ...	Nil.
6	Sisir Kumar Banerjee ...	Nil.
7	Nepal Chandra Das ...	Stenographer (temporary).
8	P. R. Venkateswaran ...	Ditto.
9	Hazari Gopal Mukherji ...	Nil.
10	Jatindranarayan Bose ...	Nil.

*No. 6 was appointed as a temporary stenographer but reverted to his own post.

Business of the House.

Mr. LALIT CHANDRA DAS: On a matter of information, Sir. It appears that under section 20 of the Bengal Legislative Council Rules and Standing Orders, a list of business for the day shall be prepared by the Secretary and circulated to all the members. How is it, Sir, that we have not got any such list for the transaction of business to-day?

Mr. PRESIDENT: The Secretary to the Bengal Legislative Council received the following letter on the 29th May, 1939, from the Secretary, Home Department, Government of Bengal:—

"In continuation of my letter No. 704A.R., dated the 29th May, 1939, I am directed to say that in supersession of the previous order, the Governor has been pleased to direct that there shall be no meetings of the Bengal Legislative Council on the 30th May and the 2nd June, 1939.

The Governor has been pleased to direct further that there shall be no meeting of the Bengal Legislative Council on the 1st June, 1939, and that any business remaining from the 29th shall be taken up in the Council on the 5th June, 1939."

When the contents of this letter were brought to my notice, I directed my Secretary to write to the Government intimating the difficulties in the way of complying with these directions. The letter that was written by the Secretary of the Council in this connection ran as follows:—

"With reference to your letter No. 704A.R., dated the 29th May, 1939, I am directed by the Hon'ble the President to state that the meeting of the Council has already been adjourned by him on the floor of the House to-day to the 1st of June, 1939. This adjournment was necessitated by the acceptance of an amendment by the House and the adjournment was made with the consent of all parties of the House together with the consent of the Government. The Hon'ble the President having already announced the adjournment on the floor of the House, it is no longer possible for him now to adjourn it to any other date without making a similar announcement in the House itself. The House will, therefore, have to meet on the 1st and if no business is fixed by the Government for that day, the House will be adjourned to the 5th of June as directed by the Governor in his letter under reply. I am further directed to request that as the Council is meeting on the 1st, whether it would not be possible for the Governor to fix some non-official business for that day and on any other date before the 5th June."

To this the Secretary has received the following reply:—

"In reply to your letter No. 1C, dated the 29th May, 1939, I am directed to say that it has not been found possible for the Governor to

fix any business for the Bengal Legislative Council, official or non-official, for the 1st or 2nd June, 1939, and the House should accordingly stand adjourned till the 5th of June, 1939."

The Chair feels that this decision of the Government will cause great inconvenience to the hon'ble members who will have to go away to-day without transacting any business. The hon'ble members should realise in this connection that the Chair is absolutely helpless, because under our rules it is the Governor who fixes the dates for the meeting of the Council as also the nature of business to be transacted on particular dates. The convention in all parliamentary institutions generally is that the Leader of the House in consultation with the President, who really represents all the parties in the House, fixes the dates of sittings. Unfortunately, that convention is not being observed in this House so far.

There is a further difficulty. I think it was contemplated that the House having been given full rights to make its own rules, there would be no difficulty on these matters. But for reasons already known to the House, the report embodying draft rules relating to the business of this Council has been lying idle, though the Hon'ble Home Minister has given his pledge that it will be taken up for consideration during the present session. The hon'ble members may remember that similar assurances were given by the Hon'ble Sir Nazimuddin during the last two sessions but that for no very good reasons they could not be acted up to. I hope his pledge will be observed this time.

There are also further difficulties to which I think it necessary to refer in this connection. The present rules were really adopted on the old rules. Under the old Constitution, the Governor really exercised his individual judgment in fixing these dates, but under the present constitution where there is any reference to the Governor, it is misleading to a degree. I had to deal with at least three Governors and I have found them equally helpless like the President in such matters. It has been found that the reference to the Governor practically means the Minister in charge of the Constitution and Elections Department, so far as these questions are concerned. As a matter of fact, I do not know whether in fixing these dates the Governor is at all consulted by the Home Department.

Strictly speaking, it may be argued that it is not necessary that the Governor should attend to these things personally, for in this case "Governor" means the Minister in charge of the portfolio of the Constitution and Elections Department. The Chair feels that perhaps the Governor had no opportunity of knowing under what circumstances it was decided to have the sitting to-day. As a matter of fact, I wanted to adjourn the House for 10 minutes, so that the Government and the party leaders could consult one another and let me know on what date it would be convenient for all parties concerned to have the next

meeting. But I was informed by the spokesman of the Government that all sections of the House were agreeable to the House being adjourned till to-day. I suppose the hon'ble members know that it is only when I am sitting on the Chair that I can adjourn the House to a particular date, but I regret very much that under the peculiar rules of this House, I am helpless when the Minister in charge of the Constitution and Elections, acting in the name of the Governor, chooses to alter that arrangement. And the inconvenience to which hon'ble members have been put to-day is attributable to this anomaly in our existing rules. In these circumstances, I have to inform the hon'ble members that there is no business before the House to-day

Privilege Motion.

Mr. KAMINI KUMAR DUTTA: Sir, may I move a motion on a matter of privilege of the members of the House and of this House itself in connection with two articles which appeared in the issue of the "Azad", a Calcutta daily dated the 30th May, 1939?

Mr. PRESIDENT: Let us first see what it is all about.

Mr. KAMINI KUMAR DUTTA: Thank you, Sir. It would appear that 29th of May was the date fixed for the discussion of the Calcutta Municipal (Amendment) Bill. On that day, a particular amendment was moved by Khan Sahib Abdul Hamid Chowdhury which, after some discussion, was put to vote and carried by this House. In connection with this matter, an editorial article appeared the next day in the "Azad" under the caption "Uccha parisader parajay," which may be translated either as a defeat in the Upper Chamber or a defeat of the Upper Chamber. It is very difficult, Sir, to properly interpret it. If it had been "Uchha parisade parajay," then it would not have been so offending. The other article referred to is about the report of the proceedings of the Council relating to that amendment of the Khan Sahib. It appeared under the caption "Urdhatana parisade Kayekjan Musalmaner samajdrohita", which may be translated as "betrayal of their own community by some of the Moslem members in the Upper Chamber."

Now, to begin with, I think, I should first of all impress this upon the House that the motion which I am moving is not a matter which has any concern with the allegiance of any particular member to any particular party. It is a question regarding the privileges and dignity of every member of this House and this matter should be looked at from that angle of vision,—that it is our primary duty to maintain the honour and privileges of this House of which we are proud to be members.

Mr. PRESIDENT: Do you contend, Mr. Dutta, that there cannot be any comment in the papers on these matters? What are your points?

Mr. KAMINI KUMAR DUTTA: I will concede, Sir, that every paper is entitled to make comment, but that comment should not transgress the limits prescribed by traditions and rules and should not amount to intimidation or menace or threat to any member. It should not also amount to abusing or casting aspersions against any member. I will begin with this admission, Sir, that every member of this House is subject to public comment in the press. Every action of ours done as members of the Legislature is certainly liable to criticism and can be judged in the scale by the public; but at the same time, we have every right of freedom to vote, we have every right to the freedom of speech, and every right to freedom of action. If there is to be any sort of threat or menace or any sort of intimidation regarding the conduct of any member of this House concerning any business that comes up before it, it will be impossible for any member to carry on his duty honestly and properly. I would urge that a perusal of both these articles in the "Azad" cannot leave the least possible doubt in the mind of any one that it has transgressed all limits of ordinary decorum.

Sir, I will now read out some of the important extracts from both these articles, after which not the slightest doubt will be left about the fact that utmost effort was made to keep the paper within the bounds of the penal law, so that the editor responsible for it may not be hauled up in a court of law. Still, in spite of utmost precaution having been taken, the real intent of the articles and the real import of the statements and reflections contained in these articles would make it quite clear that these two articles are nothing but absolute and unadulterated threat and intimidation to some members of this House. There are also some very undignified remarks therein which clearly amount to libel. Sir, as a lawyer I claim to have some experience and some idea of the law of libel. Some of these statements do clearly amount to libel against some respectable members, including even a respectable lady member, of this House. Though an editor is entitled to make comments, legitimate and fair,—certainly it was never contemplated that the press should be utilised for such a nefarious purpose. A most regrettable feature of the present episode consists in the fact, Sir, that the editor of this paper happens to be a friend of ours—a member of this very House—Maulana Md. Akram Khan; and a further matter of regret is that this is the paper which has recently been allowed a subsidy of a large amount by the Bengal Government. Certainly, this subsidy was not meant for hurling indignities at this House! Certainly, it was not intended for committing this sort of serious breach of privileges of the members of this

House and of the House itself! This is how a handsome grant from the public revenues has been utilised by this paper and by the editor of the paper from whom we should have expected better treatment as well as better sense.

Mr. PRESIDENT: Will you please first come to the main point about your motion, Mr. Dutta?

Mr. KAMINI KUMAR DUTTA: Yes, Sir, I am coming to that. I will now place some of the important extracts from the articles before you. One of the articles is headed thus "Uccha parisader parajay". I will read the Bengali statement first and then give a free rendering of it in English. I will not read the whole of the two articles, for I do not want to tax the patience of this House; but I will read important and relevant paragraphs only. The first article begins thus:

"মোসলেম বঙ্গের গত অর্দ্ধযুগের সাধনা কালকার উচ্চ পরিষদে ব্যর্থ হইয়া গিয়াছে। কলিকাতা কর্পোরেশন আইনের দফাওয়ারী বিচারের প্রথম দিনে ময়মনসিংহের মিঃ আব্দুল হামিদ চৌধুরীর অপচেষ্টার ফলে এবং নোয়াখালির খান বাহাদুর রেজাকুল হায়দার চৌধুরীর মারাত্মক ব্যবহারের কল্যাণে কলিকাতা মিউনিসিপাল আইনের সর্ব্বনাশ হইয়া গিয়াছে। সঙ্ঘবদ্ধ হিন্দুদলের নিকট মোসলেম বঙ্গকে অতি শোচনীয়ভাবে পরাজয় স্বীকার করিতে হইয়াছে।"

Sir, the English rendering of the above passage would practically amount to this: "All that the Moslems did do during the past half a decade has been made futile in the Upper House. On the first day of the consideration, clause by clause, of the Calcutta Municipal (Amendment) Bill, the whole object of the Bill has been frustrated by the evil doings of Khan Sahib Abdul Hamid Chowdhury of Mymensingh and by the fatal conduct of Khan Bahadur Rezaqul Haider Chowdhury of Noakhali. The Muslims had to acknowledge defeat at the hands of the united Hindu party!" Then, after proceeding with what happened in the House, the article goes on:

"নিজের এই অপকর্ম্মের ফলে মিঃ আব্দুল হামিদ চৌধুরী কংগ্রেস ও হিন্দুসভাপন্থী মোসলেম বৈরীদের নিকট যে অশেষ প্রশংসা-পুরস্কার লাভ করবেন, তাহা নিশ্চিতরূপে বলা যেতে পারে।"

Sir, there is a clear insinuation here on the part of the writer. He says "prasansa-puraskar" but has used it with a hyphen. At first sight, one would think that it is a meaningless expression. But, as a matter of fact, it means both "puraskar and prasansa". This is the only sensible meaning of that expression. So, there is a clear insinuation here that Khan Sahib Abdul Hamid Chowdhury will get some reward. Sir, what reward can a political party give, we do not know. Further, he will get some reward but, Sir, from whom? From the Congress and from those who follow the policy of the Hindu Sabha and are the enemies of the Moslems? A free rendering into

English of the above passage would amount to this: "So it can be said with certainty that Khan Sahib Abdul Hamid Chowdhury for this evil deed of his, will get ample reward and approbation from the Congress and the enemies of Moslems who follow the policy of the Hindu Sabha." The real intent of the articles, I submit, Sir, is more apparent in this passage. The use of the words "prasansa" and "puraskar" with a hyphen, if it is capable of any meaning denotes, as I have said, that the real object of the writer was to imply that he would get a reward for his evil deed from the Congress, and the insinuation apparently is that the reward will not be of an honest character but must be smacking of corruption. Then it proceeds further:

"আমরা দৃঢ়তার সহিত বলিতে পারি যে এই অপকর্ম্মের উপযুক্ত প্রতিদান প্রদান করিতে বাংলার মুসলমান কোনদিন কুণ্ঠিত হইবে না।"

Here again, we find an attempt to hide the real intention and with that object the word "pratidan" has been used. Though it does not really accord with the context of the paragraph, yet it is apparently a threat. I should not say that it is a veiled threat but it is an open and clear threat an intimidation and a menace to the members and really it is a bar to the free action of the members, to the free exercise of their votes and to the free exercise of their right of speech in this House; and lastly, it is a bar and a menace to all freedom of action of the members of this House. This paragraph can be rendered into English thus: "We can emphatically assert that the Mussalmans of Bengal will never hesitate to give a due return for this misdeed of theirs." Of course, the nature of this "due" return is quite apparent. It may be argued that every one is entitled to ask the electorate to remember a particular member who has betrayed the cause of his community. Certainly, one has the right to appeal to the electorate but one cannot appeal to the evil passion of the electorate; one is not entitled to rouse the evil passion of the electorate and excite them to commit illegal actions, to actions of violence, to actions of threat. No threat, no menace, no intimidation as to the conduct of a member can be allowed. In this connection it may be said, Sir, that though we have no Statute law in India, section 71 of the Government of India Act provides that there should be freedom of speech and the Legislature has been given the right to enact laws in order to define the privileges and other matters.

Mr. PRESIDENT: What section do you refer to?

Mr. KAMINI KUMAR DUTTA: Section 71, Sir. Section 28 relates to the Federal Assembly and section 71 relates to the Legislatures in the provinces. But though there is no statute law in India,

there are some recognized principles, principles recognized all over the world touching the privileges of the members of Legislatures. A reference to Campion or to May will clearly indicate that any menace or intimidation or threat as to the conduct of any member of a Legislature amounts to a serious breach of the privilege of the members.

The Hon'ble Khwaja Sir NAZIMUDDIN: What about references to the "Patrika" and the "Forward" of 1922 and 1926?

Mr. KAMINI KUMAR DUTTA: I am not concerned with what "Forward" did. I am concerned with what "Azad" has done. Because one wrong thing was done, it is absolutely no justification for another wrong thing and saying that I will repeat it again. (Interruptions from Coalition Benches.)

Mr. PRESIDENT: Order, order. A very serious matter is being discussed and the Leader of the Opposition should not be disturbed.

Mr. KAMINI KUMAR DUTTA: Then the article further proceeds "কিন্তু তাহাদ্বারা মোছলেম বঙ্গের অর্দ্ধযুগের সাধনা ও সংগ্রামের যে স্থায়ী সর্ব্বনাশ তিনি করিয়া দিয়াছেন, তাহার ক্ষতিপূরণ সহজে সম্ভব হইবে না।"

It further excites the public and the electorate and says that even this act of retribution will not really be sufficient to compensate the Muslim community. I will now read another extract from the article:—

"মিঃ আব্দুল হামিদ চৌধুরীর মত লোক যদি অতঃপরও মুসলমানের ভোটে ব্যবস্থাপক সভায় অথবা অন্য কোন স্বায়ত্তশাসনমূলক প্রতিষ্ঠানে নির্ব্বাচিত হইয়া আসিতে পারেন, তাহা হইলে বুঝিব বাংলার মুসলমানের ন্যায় বেহায়া বেগায়রৎ জাতি দুনিয়ার উপর আর দ্বিতীয় নাই।"

It proceeds and says, "if even after this, a man like Mr. Abdul Hamid Chowdhury can be elected with Mussalman votes to any legislature or to any elective local body, then we shall understand that there exists not on the face of the earth any second race so shameless and disreputable like the Mussalmans of Bengal.

The Hon'ble Mr. H. S. SUHRAWARDY: Everything is correct.

Mr. KAMINI KUMAR DUTTA: I hear from the Hon'ble Minister that everything is correct. If that is the standard, if expressions like that should be called correct, woe to the country to which we belong and to the society of which we are members.

Then it further says, after reciting what Khan Bahadur Rezzaqul Hyder Chowdhury did, and after stating that he did not exercise his vote:—

"অর্থাৎ কার্য্যতঃ মুসলমান পক্ষের পরাজয় ঘটিয়াছে, তাহার ভোট না দেওয়ার ফলে। চৌধুরী সাহেবের এই আচরণের যথাযথ প্রতিকার ব্যবস্থাও নোয়াখালির মুসলমান সমাজকে নিশ্চয়ই করিতে হইবে। বাংলার মুসলমান দেখিতে চায় এই আচরণের পর তাঁহার রাজনৈতিক জীবনের অবসান ঘটিয়াছে।"

Now, Sir, the last sentence is really the operative part of this paragraph. It is nothing but an incitement to retaliation. It is nothing but an incitement for retribution. An English rendering of it will amount to this: "The defeat of the Muslim is actually due to the failure of Khan Bahadur Rezzaqur Haider Chowdhury to vote. The Mussalmans of Noakhali have certainly to take steps for setting it right. The Mussalmans of Bengal desire to see that there is an end of his political life after this conduct. Then, proceeding further it says—

"উপসংহারে আর একটা অপ্রীতিকর বিষয়ের প্রতি কোয়ালিশন দলের সদস্যবর্গের দৃষ্টি আকর্ষন করিতে চাই। এই দিন ভোট গননা শেষ হইবার পরে দেখা গেল, মিঃ হামিদুল হক্ চৌধুরী ও মিঃ ফজলে এলাহি প্রমুখ মেম্বরেরা ধীরে ধীরে পরিষদে প্রবেশ করিতেছেন।"

Apparently, Sir, it is an insinuation against their conduct with the inuendo that these hon'ble members deliberately refrained from attending the House in proper time to avoid giving votes. An insinuation more cowardly, an insinuation more ungentlemanly, cannot be conceived. And in this category has been included even my friend Mr. Hamidul Huq Chowdhury and Mr. Fazl Elahi, two hon'ble members of this House—one of whom happens to be the Deputy President of this House and the other is the Sheriff of Calcutta. Sir, even with respect to such high personalities of our society, this paper did not refrain from making such a cowardly insinuation; and the purport of this insinuation is this: that on that day after the counting of votes was finished, Mr. Hamidul Huq Chowdhury and Mr. Fazl Elahi were found entering the Chamber very slowly. Though they were late, they did not show any haste in entering the House, apparently intending by this insinuation to suggest that they were making as much delay as possible to avoid voting on the amendment. Then, proceeding further it says—

"বর্ত্তমানে চাকুরীর বরাদ্দ লইয়া প্রতিপক্ষ বাংলা মুসলমানের যাত্রাপথে যে পর্ব্বতপ্রমাণ বাধা বিঘ্ন উপস্থিত করিয়া দিয়াছে, মোছলেম বঙ্গের অদ্ভুতকর্ম্মা চৌধুরী-যুগল সেই বাধা বিঘ্নের বিপদকে কঠোরতর করিয়া তোলাই সঙ্গত মনে করিয়াছেন। এ পাপের কি প্রায়শ্চিত্ত আছে?"

Sir, if "Prayaschitta" means the exhibition of conduct like that which has been meted out to Maulvi Shamsuddin Ahmed while proceeding to Dacca a few days ago, we shudder to think of our future.

If this "Prayaschitta" means an act like this, a repetition of conduct like this and if this article aims at inciting to an act like that, it deserves severe condemnation from this House. Now, an English rendering of this passage would practically amount to this: "At present the opposite party has placed mountain-high obstacles in the path of the Bengali Muslim community in connection with the ratio of services. These twin Chowdhuries of Muslim Bengal, having extraordinary achievements to their credit, have thought fit to make these obstacles still more insurmountable. Is there any atonement too severe for this act of sin?"

Of course, one may try to whittle down the implications of the expression "Prayaschitta". One may try just to wriggle out of this by stating that it is really meant as a hint to mend their ways. But that is not what is really meant. It really means some sort of retributive action for their sin. Sir, the paper did not stop there. While reporting the proceedings of the House, it added a paragraph with the heading " চাতুরীপূর্ণ অনুপস্থিতি ", " চাতুরীপূর্ণ " is an expression which cannot by any means be characterised as parliamentary. It means low cunning, it means deceitfulness. So, this expression " চাতুরীপূর্ণ অনুপস্থিতি " is capable of only one interpretation, viz., that it was deceitful abstention with a design চাতুরীপূর্ণ means that there was a pre-conceived design in the minds of those who did absent themselves on that day and the design was a deceitful design, it was a corrupt design. In the category of such persons, we find are included our Deputy President and nine other members of this House including a respectable lady. The list includes Mr. Hamidul Huq Chowdhury, Nawabzada Kamruddin Haider, Khan Bahadur Muhammad Jan, Muhammad Hossain, Khan Bahadur Fazl Elahi, Begum Hamida Momin, Khan Bahadur Kazi Abdur Rashid, Khan Bahadur M. Shamsuddoha, Maulvi Kader Baksh and Khwaja Muhammad Ismail. With regard to some of these members, we know that it was physically impossible for them to come. Khan Bahadur Muhammad Jan had already flown by air to a different country. Begum Hamida Momin is in far off Kashmir on account of ill-health and some other members, we know, were lying seriously ill at places distant from Calcutta and as such it was not physically possible for them to come. But this paper, it appears, did not consider the case of any one. It placed them all under one category and it called all of them cheats, persons adopting deceitful means, deceitfully absenting themselves from the House. This paper did not spare even a lady, did not spare even the Deputy President, did not spare even those who were outside India. But at the same time, it appears that though there were absentees even in the Congress group, there is no mention of that fact at all. Was that also due to deceit? One

of the Congress members did not come at all and two others appeared after the voting was over. There is no expression similar to this in respect of those members of the Congress who were absent. Sir, this paper goes to the length of criticising the conduct of absentee members without taking into consideration the reasons for their absence, and without making the least enquiry from them as to what prevented them from attending the House on that particular day. Without the least possible enquiry, without the least possible scrutiny, it did make a sweeping remark that this abstention from the House at the time of voting can only be attributed to deceitful intent and to nothing else. "চাতুরীপূর্ণ" is an expression which is not capable of any gentlemanly interpretation at all. So, there cannot be the least possible doubt about the real trend of both these articles. The article headed "Uccha Parisader Parajay" which means "the defeat of the Upper House" is nothing but a clear threat and intimidation to the members that they will not be spared and they will be coerced to change their mode of action. Is there any tradition, is there any rule in parliamentary practice anywhere in the world, Sir, which gives to any party the right to coerce a member into any course of action by this sort of intimidation, by this sort of threat, by this sort of menace? Is it permissible for a newspaper to make an insinuation to the effect that because a particular member has adopted a certain course of action, that is only due to a hope of some sort of gain or due to corruption? It says that——.....

Mr. PRESIDENT: Is it necessary to make further comments? I think you have said enough.

Mr. KAMINI KUMAR DUTTA: All right, Sir, I shall finish soon. I have already said that general principles regarding matters of privilege are laid down in May and Campion and other books according to which all parliamentary institutions have always taken serious note of the breach of privilege of the members of legislatures. The legislatures in other countries function really as courts; they have got penal powers; they can commit offenders to prison or to the Tower but we have not got that power here. Nevertheless, we can record our condemnation. We are at least a House of Record, if not a Court. We may not enjoy penal powers but we can still move a motion about privilege which I hereby do. I move, Sir: Whereas the two articles published in the issue of the "Azad" of the 30th May, 1939, which are placed before this House, contain expressions and statements concerning Khan Sahib Abdul Hamid Chowdhury, Khan Bahadur Rezaqul Haider Chowdhury and 10 other members, and whereas the publication of both these articles constitutes reflections on this House, and also a clear infringement and severe breach of the privileges of the members of this House and of the House itself, it is resolved that the matter be referred to the Committee of Privilege.

Mr. PRESIDENT: Ordinarily, the general convention of all legislative bodies is not to condemn a man unheard, but only to refer the matter to the Privilege Committee and to discuss the matter further on receipt of the report of the Privilege Committee. Otherwise, we would be pre-judging the whole issue. The House will realise that the matter is one of great delicacy and of difficulty also, because the border-line between what is fair comment and what constitutes intimidation and coercion as alleged is so narrow as to be almost blurred and therefore there should be no passion in discussing these motions. The matter should be discussed thoroughly by the Privilege Committee, and as the editor of the paper happens to be a respectible member of this House, I would advise the Privilege Committee,—if the House finally decide to refer the matter to the Privilege Committee,—to ask him to appear before them before they come to a decision on this matter.

As regards the point, viz., what constitutes a breach of the privilege, which has been referred to by Mr. Dutta, I find that Campion says: "Attempts to threaten or intimidate members for their action in the House have been declared to be a breach of the privilege of the House and offenders have been punished on numerous occasions by reprimand or imprisonment." If it is proved that there has been intimidation or insult, and if the offending party is unwilling to offer any apology, then and then only will the question of condemnation arise.

May also is very clear on this point. In page 87 of his book entitled "Parliamentary Practices," he says: "It was resolved that it was a high infringement of the privilege of the House, a crime and misdemeanour, to assault, insult or menace any member of the House, in his coming or going from the House or upon the account of his behaviour in Parliament".

As a matter of fact, in the Government of India Act, though other privileges have been left to be enacted by the House, yet in section 71, freedom of speech, which includes freedom of voting, has been guaranteed. It will really be impossible to carry on the work of this House if there is intimidation or coercion, but the House is not of necessity obliged to presume that it has been so committed on every occasion a privilege motion is moved. So, I would request the members of this House not to dilate on this question now or to go into details. The House will have an opportunity to consider this matter when it gets the report from the Privilege Committee. I would, therefore, request the mover to delete the former portion of his motion which, in effect, condemns the Editor without giving him a chance to be heard but to simply ask the House to refer the matter to the Privilege Committee. As a matter of fact, though much of the editorial comments which have been read out by the mover would *prima facie* go against the Editor, yet they may, for ought we know, be regarded as fair

comments by the Privilege Committee. But as I have said, we should not discuss the matter further here in order to avoid pre-judging the whole issue, before sending the matter to the Privilege Committee.

Mr. KADER BAKSH: Sir, may I speak a few words?

Mr. PRESIDENT: Is it at all necessary? If it is agreed that this matter should go to the Privilege Committee, is it necessary that it should be further discussed in this House? If you speak, then other members also would follow you. Of course, if you like to make any remarks, you can do so; I have no objection.

Mr. KADER BAKSH: I am in full agreement with your view, Sir. I do not want to make any speech but I will make only a personal explanation. I think, Sir, that the arguments of the hon'ble mover, though expressed so eloquently, have failed signally to make out a case for referring the matter to the Privilege Committee.

Mr. NARESH NATH MOOKERJEE: Is that a personal explanation, Sir? This is a speech.

Mr. PRESIDENT: Mr. Kader Baksh has every right to oppose the motion—that it be not referred to the Privilege Committee.

Mr. KADER BAKSH: Of course, Sir, I will respect the wishes of the Chair, but I must say that the line of argument which the mover has placed before the House is illogical and fallacious——

(There were interruptions in the House.)

Mr. PRESIDENT: Order, order. Let there be no misconception about speeches on this matter. Mr. Kader Baksh has every right to make a speech. I pointed out to the hon'ble members that this matter may be settled amicably in the Privilege Committee, and it was with that object that I requested Mr. Kader Baksh not to make any speech. But if he wants to proceed with his speech, I cannot stop him. As a matter of fact, I would be the last person to bar him out.

Mr. KADER BAKSH: Now, Sir, the question of intimidation and coercion is absolutely out of place. My learned friend Mr. Dutta knows very well that in exhibiting a document its entire contents has to be taken into consideration and read out. He has picked up one thing from here and another thing from there and based his arguments on these piecemeal quotations to show that there is a case of intimidation and threat. Sir, I have not had the good fortune of going through the whole article in the "Azad" of that particular

date. I find that the article in question has not spared me. I may say that I could not attend the meeting on that day on personal grounds and also because I had received a cut on my chin and as I am suffering from diabetes, I felt nervous and did not attend the Council on that day.

Mr. PRESIDENT: Order, order. I appreciate that there was no "চাতুরী" in your absence. I should, however, again like to repeat that this matter will be discussed in the Privilege Committee and would, therefore, request the House not to enter into the details of the case. I hope the Privilege Committee will be able to settle the matter and that it will not be necessary to discuss the matter on the floor of the House.

Mr. KADER BAKSH: I would, on my part, appeal to the Chair to consider the matter most seriously, because it is a matter which is said to touch the privilege of this House. Sir, I am no less anxious to safeguard the privileges of this House than my friends opposite. In fact, Sir, nobody is more jealous than myself in this matter. But at the same time, I would appeal to the Chair to consider whether my hon'ble friend, the Leader of the Opposition, has been able to make out a case at all to substantiate his charge against the paper, because as I have just now submitted to the House, the entire article has not been read out to us. As regards the question of threat or intimidation, the Mussalman community may have every justification to go against these members. The editor has not suggested in these articles that because the members have done something detrimental to the interests of the community, people should go against them. He has not incited them to do so, or to molest them or to assault them. That impression may be probably gathered from the piecemeal portions of the articles that Mr. Dutta has chosen to read out from here and there, but that would not have been the case if the whole thing had been read out instead of the isolated sentences torn off from the context, My submission is that the word "chaturi" does not mean deceitfulness but simply cleverness, and is not an offensive expression at least in the present instance.

Khan Bahadur NAZIRUDDIN AHMAD: The word "চাতুরীপূর্ণ" means "diplomatic".

Mr. PRESIDENT: As I have said several times, acceptance of this motion will mean no reflection on the Editor and I have repeatedly appealed to the House not to enter into the merits of this question. here and now. I expect that the Privilege Committee will be able to settle this matter and so we need not have a long discussion over this

matter here. This is a matter in which an hon'ble member of the position of Maulana Muhammad Akram Khan, one of the leaders of the Muslim League Party, is concerned and we all know what his past life has been. Therefore there will, I hope, be no difficulty in settling this matter amicably. But as I have said, this matter——as to whether th emotion will be referred to the Privilege Committee or not—will have to be decided by the House and not by the Chair. I may, however, make it quite clear that even if the House accepts this motion, it will mean no reflection on the Editor of the "Azad".

Mr. HAMIDUL HUQ CHOWDHURY: May I ask Mr. Kader Baksh one question? It is this; whether he subscribes—whatever may be the meaning of the word "chaturi"—good, bad or indifferent, to the view that he was absent by "chaturi" on that day?

Mr. PRESIDENT: Mr. Kader Baksh, you are not bound to answer that question, but if you like you may.

Mr. KADER BAKSH: Sir, I have spoken already about the reason for my absence on that particular day. I think my friend, the Deputy President, should have sufficiently gathered my view on this matter from what I have already said.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to submit that a very tense and delicate situation has arisen in this House. It is very desirable, as you have so kindly suggested that the subject should be very carefully and dispassionately considered. The delicacy of the situation has arisen out of the fact that the matter is between some hon'ble members of this House.

Sir, I submit with great respect that you have acted on this occasion exactly as you should do. It is said, and very rightly said, that the President of a Parliamentary body has to act on tense occasion like this as its lightning conductor. Your intervention has been very timely and opportune. In fact, if you had not intervened in your usual manner like this, the situation might have deteriorated and the discussions might have done much harm to the established reputation of this House. I should submit that instead of discussing the merits of the article, it would be far better, as you have suggested, to send it to the Privilege Committee. But with regard to the privileges of the House, I have something to suggest to the Privilege Committee. A large number of similar matters has already been sent to this Committee without effect. As to the privileges of this House, there are considerable misunderstandings, both inside the House as well as outside. Our position in this matter is not dependent on any unwritten law. The privileges of this House are exactly defined by the Statute. The Statute Law as it stands is this:. that the privileges of this House shall

be exactly as they were before the enactment of the Government of India Act, 1935, and the Legislature has the right by an Act to create and define its privileges, to create and define offences and prescribe punishment for their violation and also to set up a machinery for their enforcement. But such an Act has not yet been passed.

Mr. PRESIDENT: As I have already said, and the hon'ble member has perhaps not noticed it,—the matter is dealt with in section 71(*i*) of the Government of India Act, where freedom of speech is taken to include freedom of voting. This matter has been already provided for in the Statute.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I have not the least desire to deny the freedom of speech and freedom of voting in this House. That is specifically provided for in the Statute. But the question is, would the freedom of speech and freedom of voting which we undoubtedly possess, be at all affected by any outside criticism? I submit they go hand in hand and are not antagonistic to each other.

Mr. PRESIDENT: That is a matter which will be discussed and decided in the Privilege Committee.

Khan Bahadur NAZIRUDDIN AHMAD: I respectfully agree. There are occasions when as members of a deliberative assembly like this, an Assembly which we pride ourselves in characterising as the House of Elders, we should not trouble ourselves with mere trivialities. In fact, this question of privilege is akin to the practice relating to contempt of Courts. It has been said by great judges that the dignity and authority of a Court are often best maintained by remaining silent and taking no notice of matters of a trivial nature. As you have just suggested, we should not prejudge the thing and we should not go into details at this stage. I should think that the matter should go to the Privilege Committee for a proper consideration and there the matter may be discussed from all points of view. I have made my suggestion as to the line of action. As I am not a member of the Privilege Committee, I have to make a further suggestion as to the line which the Privilege Committee may take. I should submit that the Privilege Committee in deciding this and similar other matters should go deeper into the question. I understand that in the Assembly there has been a draft Privilege Bill prepared by the Hon'ble the Speaker and a Select Committee. I understand also that the draft Bill touches only the privileges of the members of the Assembly. But the report has made it clear that it did not touch the privilege of the Upper House because according to it, the privilege of each House is a matter for that House itself. I should suggest that——

Mr. NARESH NATH MOOKERJEE: Sir, is this relevant?

Mr. PRESIDENT: Yes, it is relevant, Khan Bahadur.

Khan Bahadur NAZIRUDDIN AHMAD: I am thankful to you, Sir, for the ruling. I should suggest that the draft Bill with the report be obtained from the Assembly Office and placed before the Privilege Committee and the Privilege Committee should go deeper into the matter and try to settle once for all the broad question as to how far the newspapers and outsiders will be allowed to interfere with the dignity and privileges of the House, the members and that of the President. At present, the Law is defective. The Law is absolutely powerless to deal with expressions of opinion, however objectionable, about the members of this House unless it amounts to a crime. I should suggest that the Privilege Committee or a Special Committee should go very thoroughly into the matter and try to draft a Bill which would be suitable for this House. It may be on the lines of the Assembly Bill or a modification thereof. I should like that the whole thing should be properly tackled and brought to a head. I should think that an Act should be passed which would make it impossible for newspapers to exceed the limits of fair criticism.

Maulana MUHAMMAD AKRAM KHAN: All newspapers.

Khan Bahadur NAZIRUDDIN AHMAD: Yes, the "Azad" is only one of the offenders. If any action is to be taken against the "Azad", there are many other offenders of a more violent type to think of. I emphasise the advisability of the Privilege Committee going deeper into the matter, because these violent attacks are happening every now and then with impunity. We have in the past ignored very serious offences which were very serious attacks on the President, and the question would be how we should approach the present case. I have already submitted that an Act would be necessary. The Privilege Committee should spend no more time in deliberating on individual matters like this, but deal with the fundamental question and submit their recommendations to this House for consideration.

With these remarks, I humbly propose that the House should accept your suggestion that the matter should be referred to the Privilege Committee.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: May I be allowed to say a word? On another occasion, I raised a question of privilege in connection with another newspaper. On that occasion, the Home Minister gave us a pledge that he will consider the question of amendment of a particular law affecting this. I do appeal to him to realise that the sooner he does that, the better.

Dr. RADHA KUMUD MOOKERJI: Sir, I rise to support the motion for reference to the Committee of Privileges——

Mr. PRESIDENT: Order, order. I do not think it is necessary. Mr. Kader Baksh has simply spoken in explanation of the reason of his absence. I personally think that there will be no difficulty in the Privilege Committee for Maulana Akram Khan to express regret, in view of such explanation for having used a word like "চাতুরীপূর্ণ" in respect of a man like Mr. Kader Baksh who was unavoidably absent. I appeal to you not to make any speech on this matter. For, if House agrees to refer the matter to the Privilege Committee and if the matter is amicably settled there, the House may not have any occasion to discuss the matter.

Mr. HUMAYUN KABIR: Sir, may I draw your attention to one point in this connection? It is not usual for a member to give any explanation for his absence, but the fact that Mr. Kader Baksh should think it necessary to explain his absence is in itself a fact which this House should consider. A situation has been created in Bengal and particularly due to the writings of the paper concerned which makes it very often necessary for members, as Mr. Kader Baksh has done to-day, to give public explanation for their conduct. On previous occasions also, Mr. Kader Baksh has been absent and there has been no occasion for any explanation. This in itself is proof that there has been intimidation. I will not go into the merits of the question when you have asked me not to do so, but I will say this that this particular paper has been guilty not only of breach of the privileges of this House but of ordinary human decency. I think, Sir, even Government have been guilty of not taking proper steps against the fulminations of this paper which does not know very often what it is taking about. Sir, as directed by you, I shall not enter into the merits of the question to-day. I, therefore, support this motion for reference to the Privilege Committee.

Dr. RADHA KUMUD MOOKERJI: Sir, I wanted to say something in support of the motion, because you allowed a speaker to speak against the motion. I have given the most dispassionate consideration to the article in question. I find that the reference to the Committee of Privilages really rests on three words used in that article. The three key words are "প্রতিদান", "প্রতিকার", "চাতুরীপূর্ণ"। I think, Sir, that these three words amount to a violation of the privileges that every member of the House hopes to enjoy and hopes to have secured. Now, I do not think, Sir, that by any action——

Khan Bahadur ATAUR RAHMAN: On a point of order, Sir. Dr. Radha Kumud Mookerji is possibly giving judgment before trial. The matter is going to the Privilege Committee and I should think he ought not to bias the members of the House now.

Mr. PRESIDENT: As I have said, it is for the House to go into the merits of this case when the report of the Privilege Committee is received. So, I have to appeal—and now I shall have to take the point of order as well—and request the members not to go into the merits of this case.

Dr. RADHA KUMUD MOOKERJI: If I am assured that this motion is going to be unanimously accepted, then, of course, I have no——

Mr. PRESIDENT: There cannot be any assurance.

Dr. RADHA KUMUD MOOKERJI: Then, I have the right to speak.

Mr. PRESIDENT: You have no right to go into the merits. I have already held that in the first place, if a *prima facie* case has been made out, it is the Chair alone which can refer the matter to the Privilege Committee without any consultation with the House. In this particular case, I shall not allow anybody to go into the merits of the question.

Dr. RADHA KUMUD MOOKERJI: Sir, I wanted to prove that a *prima facie* case has been made out.

Mr. PRESIDENT: You will please prove it in the Privilege Committee. I would request the Privilege Committee to hear any hon'ble member who wants to appear before it.

Maulana MUHAMMAD AKRAM KHAN: (In Bengali.)

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the hon'ble member in his speech wants to substantiate the charges he made in his paper and wants to prove the correctness of the use of the expression "চাতুরীপূর্ণ" Is this attitude correct, Sir?

Mr. PRESIDENT: Order, order. He is speaking in a general way. He has not said that every word he used including "চাতুরীপূর্ণ" is correct.

***Maulana MUHAMMAD AKRAM KHAN:** আমি এই বিষয়টা Privilege Committee তে দেবার প্রস্তাব সম্পূর্ণরূপে সমর্থন কর্চ্ছি। আমার কাগজে সম্বন্ধে যে সমস্ত অন্যায় ও অসঙ্গত মন্তব্য করা হ'য়েছে, এবং বিশেষ ক'রে অধ্যাপক হুমায়ুন কবীর যে সমস্ত মন্তব্য ক'রেছেন তাতে বুঝতে হয় যে তাঁরা বিচারের আগেই ফাঁসির হুকুম দিয়াছেন। মাননীয় সভাপতি মহাশয়, আমাকে বাস্তবিকপক্ষে যদি Privilege Committee তে সুযোগ দেওয়া হয়, তা'হলে আমি বুঝিয়ে দিতে পারি যে আমার কাগজে যা লেখা হ'য়েছে, তা'র প্রত্যেকটি বর্ণ সত্য। এবং আমি এই পর্য্যন্ত ব'লতে পারি যে Privilege Committee তে যা সিদ্ধান্ত হবে, তা অবনত মস্তকে মেনে নিতে আমি বাধ্য আছি। কিন্তু আমি ব'লতে চাই যে বিচারের আগেই দণ্ডদানের কোন রকম ব্যবস্থা.....

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the hon'ble member again says that he can prove what he has written.

Mr. PRESIDENT: It would be better if the Maulana Sahib does not make further comments on this matter and reserves them for being placed before the Privilege Committee.

The question before the House is that the matter be referred to the Privilege Committee.

(The question was agreed to.)

Mr. LALIT CHANDRA DAS: May I move another matter, Sir? I gave notice——

Mr. PRESIDENT: Yes, I received a notice from Mr. Lalit Chandra Das for adjournment of the business of the House. It runs thus: "That the Council do adjourn its business for the purpose of discussing a definite matter of urgent public importance, namely, the failure of Government to give protection to the Ministry's rival Mr. Shamsuddin Ahmed, ex-Minister and leader of the Krishak Praja Party in the Bengal Legislative Assembly, who, while returning to Dacca after addressing a political meeting in support of the Krishak Praja candidate, Mr. Rezai Karim, for the Assembly bye-election from the Dacca Central (Rural) Muhammadan constituency as against the League candidate, was assaulted by some Muslim volunteers of the League Party at the railway station Tangi, in the district of Dacca, on the 29th May last at about 10-30 p.m., who pelted stones at him, and hit him and some of whom surrounded his compartment in the train and tried to forcibly enter it."

I find one technical difficulty in this connection. Mr. Das wants to adjourn the business of the House, but there is no business before the House to-day as I have already explained. So, I will consider this motion at the next sitting of the Council.

I will now——

*An authorised English translation of this Bengali extract will be found in the Appendix.

Members' protest against frequent short adjournments of Council sitting.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, before you adjourn the House, I must say that we deplore very much the inability of Government to fix any business for to-day. As we have not yet been able to meet the situation that arose as the sequel to this House carrying the amendment of Khan Sahib Abdul Hamid Chowdhury at its last sitting, will you be kind enough to take our views into consideration, and adjourn the House till Tuesday, the 6th June, and not till Monday, the 5th June?

Mr. PRESIDENT: My difficulty is that I have received an order from the Governor—although it is very doubtful if this order comes directly from the Governor—but the order is there—directing that the Bengal Legislative Council shall meet at 8 a.m. on the 5th June. The Home Minister is here; if he says that there would be no difficulty in our meeting on the 6th in spite of this order, I have no objection, because in such matters, the expression "Governor" means really the Minister in charge of the Constitution and Elections portfolio.

The Hon'ble Khwaja Sir NAZIMUDDIN: We can send you, Sir, another letter changing the date of the next meeting from the 5th to the 6th June, if you like.

Mr. KAMINI KUMAR DUTTA: Sir, a great deal of inconvenience is caused if members coming from the mufassil do not know when the House is going to meet; or when they have actually met, they do not know what business is going to be transacted. We cannot wait indefinitely away from our respective places.

Khan Bahadur ATAUR RAHMAN: I am very much afraid that I shall perhaps have to be absent on the 6th June and whether it will be attributed to *chaturi* or not, I do not know. But, Sir, I must say that we are not supposed to be whole-time servants on Rs. 150 a month. We have got other business to look to. On the occasion of such short adjournments, we cannot leave Calcutta and come back. So, I would suggest that we adjourn till the 13th when the Ministers come back refreshed from Darjeeling. That would give us some time to go home and look after our own business. I hope, the Hon'ble Home Minister will kindly consider this suggestion.

Khan Bahadur NAZIRUDDIN AHMAD: I should like to look at this question from a completely different angle, and it is this: here is an opportunity for creating new precedents. The Governor asks this

House to re-assemble on the 5th, but the Ministry wants it to meet on the 6th. I should submit that as this House is in search of opportunities for creating precedents and privileges, this will be a very opportune moment to accept the suggestion of the Hon'ble Minister.

Mr. PRESIDENT: There is no necessity to create any opportunity, because the House has every right to make its own rules. I would, however, like to follow the convention, namely, that if there is an agreement as to the date of our next meeting among the party leaders and the Government, I shall certainly accept it. I am willing to wait for a few minutes to enable the different party leaders to exchange their opinion and come to an agreement.

Mr. KAMINI KUMAR DUTTA: We insist on meeting on the 5th.

Mr. HUMAYUN KABIR: My appeal to the House is to accept the suggestion of Khan Bahadur Ataur Rahman that our next sitting should take place on the 13th June. As has been complained by the Khan Bahadur, we are sitting off and on for months and at times even when we meet, we find no business to transact. Although we have some intervals of recess, yet they are so short that we cannot attend to our own affairs. Therefore, I would support the suggestion of the Khan Bahadur that the House may stand adjourned till the 13th, so that we may have 10 or 12 days' recess and come back fresher and better able to do justice to the business before the House, as suggested by the Khan Bahadur.

Mr. PRESIDENT: What is your suggestion?

Mr. HUMAYUN KABIR: My suggestion is that from the 6th we adjourn till the 13th.

Mr. PRESIDENT: It is for the Home Minister to say if he is agreeable to the proposal that the Council should meet only on the 5th and 6th and then meet again on the 13th.

The Hon'ble Khwaja Sir NAZIMUDDIN: First of all, Sir, I would like to place before the House the fact that it is not an unusual thing, when an important measure brought by Government has been practically made infructuous, to adjourn the House for a long period.

Mr. PRESIDENT: I do not think there has been any complaint on that score. That is not the matter at issue.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I just explain? On account of the acceptance of the amendment of Khan Sahib Abdul Hamid Chowdhury in regard to the Calcutta Municipal Bill, Government had to take recourse to this adjournment. And now the question is, still what time this adjournment should continue. As at present arranged, there is to be no sitting after the 7th till the 13th of June. The difficulty in conceding to this proposal is that, in view of what has happened to the Bill, we have got to go back to the Assembly with this Bill and it may be necessary to come back here again. This will mean considerable delay and the session of this House may have to be continued for a long time. To avoid all that, we feel that it would be better if it would be possible to have sittings on the 6th and 7th June by which time we may be able to get through the remainder of the Bill and afterwards come along with that Bill again from the Lower House, if necessary. If, however, hon'ble members do not agree to adjourn till the 6th, we have no other alternative than to sit on the 5th June.

Khan Bahadur ATAUR RAHMAN: Is it possible to finish the Bill in 2 days?

Mr. PRESIDENT: It is very doubtful. I have already received more than 400 amendments. There are several important amendments not only to the ordinary clauses but also to clauses regarding franchise and other matters. So, I do not think it will be possible to finish it within 3 or 4 days.

Mr. KADER BAKSH: There is again this adjournment motion of Mr. Lalit Chandra Das which will take 2 days to consider. There is no good keeping us detained here for 10 or 12 days without any work.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: On a point of information, Sir. May I know what would be the next day after the 7th that we will meet and how long we are going to sit, because, as a matter of fact, from a practical point of view, the Calcutta Municipal (Amendment) Bill cannot be finished within 6th or 7th. It will take at least 4 or 5 days more. In view of the fact that there are so many amendments, I want to know what will be the next day after the 7th?

Mr. PRESIDENT: Is the Home Minister in a position to make any statement?

Khan Bahadur M. ABDUL KARIM: All the members of my party are insistent upon this adjournment continuing till the 13th. As for myself, considering the state of my health, I was not willing to attend this session, but on account of repeated telegrams from members of my party and as I was assured that the Calcutta Municipal (Amendment) Bill would be taken up positively on the 22nd, I

had to come. Now, Sir, I have to go to-morrow and cannot wait here for any consideration. The members of my party all desire that I should be present during the debate on this important Bill. Having regard to that, it will be impossible for me personally to be present during the debate on this Bill, if it is continued for the next few days. On the 13th, however, I shall be able to come back. And I hope the Hon'ble Home Minister will kindly consider whether he thinks it advisable that my presence should be secured during the debate on this Bill.

Mr. KAMINI KUMAR DUTTA: On behalf of my party, I also support the contention of my friend the leader of the other party. The reason is apparent; even our sitting for 2 days, that is on the 5th and 6th, will not really advance the matter at all. The inconvenience of the members who come from outside Calcutta is great. So, it would be better if the House adjourned till the 13th June.

Mr. PRESIDENT: I find that there is agreement among the leaders of different parties that the House should adjourn till the 13th. But as I have said, it lies with the Home Minister to arrange that.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: May I know what is the reply to my query? As I have said, Sir, I think 13th would be preferable for our next meeting.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would only appeal to Khan Bahadur Abdul Karim to consider the important point that this Bill should get through both Houses as soon as possible. Undue delay will make the Bill practically infructuous. I may again point out to the House—not only to the Khan Bahadur but to all the members of this House,—that the only reason why we do not like to concede to this request of the various groups is that this Bill, to be of any use, must get through within a certain period. The electoral rolls have got to be prepared and got ready before the next election; that is a most important and vital point and I would request the hon'ble members to keep that in mind. Therefore, three days' delay here may ultimately lead to practically three weeks' delay in the whole course of the discussion. If the hon'ble members will give me time, I can show how this will happen. A week's delay now up to the 7th and meeting again on the 13th or 14th will mean that the whole thing will be carried on for 7 or 8 days: Then, it will have to go back to the Assembly and the Assembly will take some time to consider it and then it may have again to come back to this House. So, if we can sit on the 5th, 6th and 7th—I am not prepared to insist on excluding the 5th, if the House does not like it—and try to get as much work as possible done on those days, and then meet on the 14th, after a week's interval,—which will give the hon'ble members a

week's holiday, then we can finish the Bill much earlier. But as far as the sittings of the Legislatures are concerned, I may draw the attention of the hon'ble members to the fact that members of the House of Commons have to attend to their legislative business practically for more than 9 months in the year, and when members offer themselves for public service, they have to bear a certain amount of inconvenience. I would repeat that Government would certainly have tried to meet the views of the leaders of the various groups, had it not been for the fact that the delay may seriously affect the utility of this Bill. Therefore, I will once more appeal to the hon'ble members to try and meet us halfway in this matter. Seven days of adjournment may be possible after the 7th, that is, from 7th to 13th. On the 5th, 6th and 7th, we may do some business and this will considerably help forward the progress of the Bill.

Mr. PRESIDENT: I would not have taken up so much time of the House to decide this question of adjournment, unless I found that there was agreement amongst all the groups and party leaders as to the time of our next meeting. Now it is settled that after the 7th, the House will meet on the 14th, but Government has given no reason why they are not meeting on these seven days which intervene, nor has Government given any reason as to why they are not sitting to-morrow. It rests with me as the custodian of the rights and privileges of this House to enquire of Government when they have not attempted to give any reason why the members should wait from day to day. Government ought to have given some reason why the House cannot meet on the 8th and 9th, or again on the 12th. Really, I think that the House may resent and rightly resent being treated in this manner, when all parties in this House agree to a certain arrangement of time and Government is not prepared to accommodate them. However, is it now agreed that the House should be adjourned till the 5th?

(Cries of "no," "no", we would like to meet on the 14th.)

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, after the remarks that have fallen from the Chair and in view of the fact that all sections of the House desire that the Council should be adjourned till the 14th of this month, Government are prepared to agree to the House being adjourned till the 14th.

Mr. PRESIDENT: Then I may take it that it is agreed that the House next meets on the 14th June, 1939, and I adjourn the House accordingly.

Adjournment.

The Council then adjourned till 8 a.m., on Wednesday, the 14th June, 1939.

Members absent

The following members were absent from the meeting held on the 1st June, 1939:—

(1) Mr. Mesbahuddin Ahmed.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. Narendra Chandra Datta.
(4) Alhadj Khwaja Muhammad Esmail.
(5) Khan Bahadur Syed Muhammad Ghaziul Huq.
(6) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(7) Mr. H. G. G. Mackay.
(8) Begum Hamida Momin.
(9) Mr. E. C. Ormond.
(10) Rai Bahadur Radhica Bhusan Roy.
(11) Mr. Sachindra Narayan Sanyal.
(12) Mr. W. F. Scott-Kerr.
(13) Nawabzada Kamruddin Haider.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 14th June, 1939, at 8 a.m., being the eighteenth day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

All-Bengal Registration Employees' Association.

81. Mr. SHRISH CHANDRA CHAKRAVERTI: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that no departmental head of the Government can debar his subordinate employees from joining a trade union duly registered under the Trade Unions Act and in conformity with the rules made thereunder?

(b) Is it a fact that on the 13th May, 1935, Government of India (Industries Department) issued a circular containing rules for recognition of Government employees' unions as laid down below—

(i) it (union) must consist of a distinct class of Government employees;

(ii) all Government employees of the same class must be eligible for membership; and

(iii) it must be registered under the Trade Unions Act?

(c) Is it a fact that the All-Bengal Registration Employees' Association was duly registered under the Trade Unions Act and also that it contains a distinct class of Government employees, namely, the employees of the Registration Department?

(d) Is it a fact that the Registrar of Assurances, Calcutta, issued a circular, dated the 5th April, 1939, stating that any employee of his office, if found joining the All-India Registration Employees' Association, would be dismissed from service?

(e) Is the Government aware that the All-Bengal Registration Employees' Annual Conference was announced in all the newspapers,

stating that it would be held on the 7th April, 1939, and that the Hon'ble Mr. N. R. Sarker, Finance Minister, would open the Conference?

(*f*) Is it a fact that the Registrar of Assurances, Calcutta, was invited by the employees of his department to join the Annual Conference of the All-Bengal Registration Employees' Association which was to be held on the 7th April, 1939, and that instead of joining the said meeting he issued a circular on the 5th April, 1939, threatening employees under him not to join the said annual meeting?

(*g*) If the replies to clauses (*a*) to (*f*) are in the affirmative, what step or steps does the Government propose to take in the matter? If not, why not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq: (*a*) So far as I am aware, there are no instructions by Government which take away the discretion of heads of departments in the matter.

(*b*) Yes, but these rules apply to the unions of the industrial employees of Government and therefore not to an association of employees of the Registration Department.

(*c*) Yes.

(*d*) No, the Registrar of Assurances directed the clerks and *moharrirs* of his office not to take part in matters connected with the All-Bengal Registration Employees' Association, as the Association had not been recognised by Government.

(*e*) No, but I am not aware that the conference was announced in all the newspapers.

(*f*) No, when he issued the circular in question, the Registrar was unaware of the coming conference.

(*g*) The Registrar of Assurances thought that members of his staff should not be members of an association unrecognised by Government. Government considers his point of view reasonable and does not propose to take any action in the matter.

Free primary schools in the Mymensingh district.

82. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that in the Mymensingh district where Free Primary Education Scheme has been given effect to, the number of free primary schools, so far started, is very inadequate to meet the requirements of many localities, and is he aware of the necessity of maintaining the old aided primary schools for the spread of primary education?

(*b*) Is it a fact that in many free primary schools there has been over-crowding and in consequence the pupils in the schools are not getting proper facilities for education, and is the Hon'ble Minister aware of the fact that due to paucity of funds new schools are not being started and the spread of primary education is being retarded?

(*c*) Is it a fact that the Free Primary School Survey Committee appointed by the District School Board committed many errors and mistakes in selecting proper sites, and is it a fact that the authorities are not rectifying the mistakes made in selecting wrong sites for establishment of primary schools?

(*d*) Does Government propose to establish a Site-Revising Committee in every thana with at least one representative of every Union on it and invite recommendations to modify, wherever necessary, to change sites for primary schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The number of free primary schools so far started, is not inadequate to meet the requirements of any locality. Schools were selected on the results of a thorough survey of the educational needs of the district and reorganisation and adjustment of primary schools were made with the help of local survey sub-committees set up by the District School Board, one in each of the 20 sub-inspectorates on the lines of the Government scheme, i.e., at least one Board-managed school for each unit of area of 3·14 square miles or a population of 2,000. As a result of this survey, sites were selected for 2,634 schools to serve the needs of a district which has a rural area of 6,192 square miles and a population of about 50 lakhs. The above number of schools was needed so as to enable a child to find a school within an average distance of one mile from its place of residence. Of these 2,634 selected schools, 2,408 have already been started and the remaining 226 which still remain to be started as free have neither any land nor any suitable building arrangement. However, steps are being taken to start them at a very early date. The old aided primary schools not on the selected sites were either amalgamated with the central schools or abolished. Thus, there appears to be no necessity for maintaining these schools.

(*b*) Yes, in some of the free primary schools; but to cope with the situation, provision has been made for appointing additional teachers in proportion to the number of boys in those schools. The District School Board also resolved in this connection that the number of selected schools should not be rigidly fixed at 2,634 as there might be special cases for schools beyond that figure.

New schools could not be started earlier for want of suitable land and house arrangement. Attempts are being made to start the remaining schools at a very early date.

(*c*) No errors of any serious nature from any quarter are reported to have been committed by the Survey Committees. The local authorities have, however, been taking prompt action to remedy irregularity or to remove misunderstanding, if any.

(*d*) In the face of the above facts, the question of forming a Site-Revising Committee does not arise. There is hardly any justification for establishing such a committee in every thana in view of the fact that there is already a Local Primary Education Committee in each of 20 sub-inspectorates, the function of which is to hear and decide disputes regarding location of primary schools or to submit its recommendation to the District School Board in respect of such disputes, in respect of complaint against Board School teachers and generally in respect of any matter relating to primary education referred to it by the Board or by any person or body concerned.

The constitution of the Local Primary Education Committee is as follows:—

(1) The Subdivisional Officer—President.

(2) District School Board member—Vice-President.

(3) The Circle Officer—Member.

(4) Subdivisional Inspector of Schools—Member.

(5) Sub-Inspector of Schools—Secretary.

(6) Two non-official persons may be co-opted as members, if necessary.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that population has not been taken into consideration at all in considering the number of schools to be located in particular places; for example, in Astagram itself, the population is 12,000 but only three schools have been proposed for that place?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, this is primarily a matter for the District School Board. I have myself come across instances in which the population has not been taken into consideration. The hon'ble member's remark will be taken into account and I shall try to find out what the position really is.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answer (*c*), is the Hon'ble Minister aware that in the Astagram thana itself, some schools are located in villages where there are no homesteads at all?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have no information, but I will look into the matter.

The Bengal Legislative Council Library.

83. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what steps have been taken for providing the Bengal Legislative Council with a Library of its own?

(*b*) Is it a fact that the Bengal Legislative Council passed a resolution on the recommendation of its Privilege Committee to have a joint Library for both the Chambers under the control of a committee consisting of equal number of members of both the Houses?

(*c*) How long will the Government take to give effect to this decision of the Council?

(*d*) Is it a fact that the Library which belonged to the Bengal Legislative Council under the old Constitution belongs jointly to both the Council and the Assembly after the inauguration of the present constitution?

(*e*) Will the Hon'ble Minister be pleased to state who is the controlling authority of the Library which exists at present in a part of the Legislative Building, Calcutta?

(*f*) Is it a fact that it is generally referred to as the Assembly Library? If so, why?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin: (*a*) and (*c*) A reference is invited to the answer given to the question No. 151 asked by Khan Bahadur Razzaqul Haider Chowdhury, M.L.C., on the 2nd May, 1939.

(*b*) Yes.

(*d*) and (*e*) Pending the settlement of a permanent arrangement, the control of the Library was vested in the Speaker of the Bengal Legislative Assembly with effect from the 1st April, 1937, and instructions were issued to the Bengal Legislative Assembly Department to the effect that the Library and the services of the Librarian and his staff should be placed at the disposal of the members of the Bengal Legislative Council in the same manner as in the case of the members of the Bengal Legislative Assembly.

(*f*) Not so far as I am aware.

Dr. RADHA KUMUD MOOKERJI: Arising out of answers (*d*) and (*e*), may I know who issued the order referred to on the 1st of April, 1937?

The Hon'ble Khwaja Sir NAZIMUDDIN: It was issued by the Government through the usual channel of correspondence.

Dr. RADHA KUMUD MOOKERJI: May I know, of the two authorities, namely, the President of the Council and the Speaker of the Assembly, who has got the precedence in the opinion of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the hon'ble member to the Warrant of Precedence.

Dr. RADHA KUMUD MOOKERJI: Well, according to the Warrant of Precedence, it is the Council and its President that have always enjoyed superiority of rank as compared with the Assembly. May I know how it was possible for an officer of Government to transfer the control over the library, which is a joint property of both Houses, from one House to the other?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I know what is the actual question?

Dr. RADHA KUMUD MOOKERJI: The actual question is whether there is any authority competent to transfer the control of what is a joint possession to the control of an authority which is inferior in rank to that of the President of the Council?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government do not accept the proposition that the library is a joint property of the Assembly and of the Council.

Dr. RADHA KUMUD MOOKERJI: May I know if the Legislature has not inherited the library of the previous regime?

The Hon'ble Khwaja Sir NAZIMUDDIN: The library is a property of the Government, and it is managed and controlled according to the directions of the Governor.

Dr. RADHA KUMUD MOOKERJI: May I know whether there was any order passed by the then Governor of Bengal on the subject of the control of the library of the Bengal Legislature?

The Hon'ble Khwaja Sir NAZIMUDDIN: Orders were passed by the Governor, and they are reflected in the answers that have been given to-day.

Dr. RADHA KUMUD MOOKERJI: Sir, since my information is this, namely, that the then Governor, Sir John Anderson, passed an order that the library shall be controlled jointly by both Houses, is it not a fact that this order has been violated without any proper authority or authorisation?

The Hon'ble Khwaja Sir NAZIMUDDIN: The assumption of the hon'ble member is not correct.

Dr. RADHA KUMUD MOOKERJI: Is it or is it not a fact that there is an order on the subject which was passed by Sir John Anderson?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Dr. RADHA KUMUD MOOKERJI: May I know exactly the kind of authority that has been invoked in violating the privileges of the Council, namely, depriving the Bengal Legislative Council of all control in the matter of a most important sphere, namely, the control of the library?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not accept the assumption of the hon'ble member, and I would refer him to my answers (*d*) and (*e*).

Dr. RADHA KUMUD MOOKERJI: Who is at present the controlling authority of the library which belongs to the Legislature consisting of both the Houses?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the hon'ble member to the answer I have already given on this subject to-day.

Dr. RADHA KUMUD MOOKERJI: Sir, I have not yet got an answer to the question as to who was the particular authority that was entitled to place the control of the library to only one presiding officer of the Legislature.

The Hon'ble Khwaja Sir NAZIMUDDIN: The Government of Bengal.

Dr. RADHA KUMUD MOOKERJI: Was it done at the instance of the Cabinet as a whole or only by the Minister-in-charge?

The Hon'ble Khwaja Sir NAZIMUDDIN: It was done in the usual manner in which all orders are passed.

Dr. RADHA KUMUD MOOKERJI: Sir, is not the Hon'ble Minister aware that by the steps that have been taken by the so-called Government—(The Hon'ble Mr. A. K. FAZLUL HUQ: "So-called Government"!) Yes, whenever Government contravenes the rules, I call that Government a "so-called Government." Is not the Hon'ble Minister aware that by the arrangements that have been made in

defiance of the previous orders, an outrage has been committed on the Constitution itself by depriving the Legislative Council of all control over the library?

Mr. PRESIDENT: I think the temporary nature of the arrangement has been made clear by the following words in the answer of the Hon'ble Home Minister, "pending settlement of permanent arrangement." So, is there any necessity to have this point further elucidated?

Dr. RADHA KUMUD MOOKERJI: May I know what will be the nature of this permanent settlement, and when it will be arrived at?

The Hon'ble Khwaja Sir NAZIMUDDIN: Now that the hon'ble member has come down to the real question, I may inform him that we are trying our level best to make some kind of arrangement by which the library should be managed by a committee of both the Houses, but that owing to certain minor difficulties it has not been possible to do so. We hope, however, that as soon as the present sessions of the Council and the Assembly are over, we shall be able to bring about a settlement of this question in consultation with both the Hon'ble President and the Hon'ble Speaker.

Dr. RADHA KUMUD MOOKERJI: Is the library open to the Council to-day at this hour?

The Hon'ble Khwaja Sir NAZIMUDDIN: I hope so.

Dr. RADHA KUMUD MOOKERJI: Is there any authority for changing the labels of books from the Legislative Library into Bengal Legislative Assembly Library? Is there any warrant for this procedure?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the hon'ble member to answers (*d*) and (*e*).

Dr. RADHA KUMUD MOOKERJI: Is there any authority for labelling of books belonging to the Legislative Library as books belonging to the Bengal Legislative Assembly Library?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid I have got nothing further to add to what I have already stated in (*d*) and (*e*).

Dr. RADHA KUMUD MOOKERJI: Am I to understand from this statement that the Government is bent upon belittling and whittling down the privileges of the Council in the matter of such a simple affair as the administration of the library of the Legislature?

Mr. PRESIDENT: Order, order. As I have said, the answers given by the Government make it clear that they are going to have a permanent settlement of this question. Is it necessary to ask the Government now to commit themselves to something?

Dr. RADHA KUMUD MOOKERJI: Sir, my question suggested that there was a settlement and that it has been departed from. So, may I know why the old arrangement was departed from?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not know to which old arrangement the hon'ble member is referring.

Dr. RADHA KUMUD MOOKERJI: I am referring to the substance of question (*b*).

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to state whether the labelling of books as Assembly Library books will at all prejudice the case of the Upper House when a final settlement is arrived at?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as I have already stated, the library and all the books belong to the Government. For the time being, till a permanent settlement is made, control over it has been handed over to the Hon'ble the Speaker of the Legislative Assembly. But Government contemplate that the library should be a joint library of both the Houses managed by a joint committee.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, with reference to answers (*d*) and (*e*), when the permanent arrangement is made, will the library be placed under the joint control of Hon'ble the President and the Speaker?

Mr. PRESIDENT: Yes, they are considering that point.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: In case of difference between the Hon'ble the President and the Speaker, who will decide the matter?

Mr. PRESIDENT: Those are matters of details.

The Hon'ble Khwaja Sir NAZIMUDDIN: Government will have the final right to decide.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the decision be made by the Government as a whole or by the Minister-in-charge of the department?

Mr. PRESIDENT: I think that is a hypothetical question. Nothing has been decided and no difference has arisen up till now.

Mr. LALIT CHANDRA DAS: May we know the approximate time within which the joint control will be given effect to?

Mr. PRESIDENT: I think the Hon'ble Minister has made it clear that after the present session is over, they will consider it.

Dr. RADHA KUMUD MOOKERJI: Am I to understand from the answers, firstly, that there has been no order about the administration of the library by the Government of Sir John Anderson, and secondly——

The Hon'ble Khwaja Sir NAZIMUDDIN: How many questions at a time?

Mr. PRESIDENT: One after another, Dr. Mookerji.

Dr. RADHA KUMUD MOOKERJI: Am I to understand that there has been no order passed on the subject by His Excellency Sir John Anderson?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would like to draw the attention of the hon'ble member that as far as the present procedure is concerned, the Governor acts on advice, and I have got nothing further to add.

Dr. RADHA KUMUD MOOKERJI: My second question is: whether this arrangement has not been approved by the Cabinet?

The Hon'ble Khwaja Sir NAZIMUDDIN: This question has come up before the Cabinet more than once and various decisions have been arrived at, and they are reflected in the answers that have been given.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Minister be pleased to lay on the table or circulate a copy of the decisions to all the members?

The Hon'ble Khwaja Sir NAZIMUDDIN: I regret it is not possible to do that.

Anti-air-raid precautionary arrangement.

84. Mr. KAMINI KUMAR DUTTA: (*a*) Is the Hon'ble Minister in charge of the Home Department aware that various reports have appeared in the local press during the last few months relating to anti-air-raid precautionary arrangements which are engaging the attention of the Local Government?

(*b*) Will the Hon'ble Minister be pleased to give this House an idea of the dangers which such precautions, referred to in paragraph (*a*), are designed to guard against?

(*c*) Is the Hon'ble Minister aware that the "black-out" experiment as also the broad daylight anti-air-raid demonstrations recently organised in the Calcutta Maidan at the instance of the Local Government, tended to create a feeling of panic among the people in general all over Bengal and among the Calcutta population in particular?

(*d*) Will the Hon'ble Minister be pleased to make an exhaustive statement calculated to allay such popular misapprehension?

(*e*) Is the Hon'ble Minister in a position to state whether the citizens of Calcutta and its suburbs are in real danger of sustaining loss of life and property as the result of air-raid activities from hostile quarters and whether sufficient precautions are going to be arranged to minimise such dangers?

(*f*) Will the Hon'ble Minister be pleased to inform whether any steps are being taken to supply gas masks in sufficient number to the entire civil population in Calcutta and its suburbs in case of hostile air-raid operations?

(*g*) Will the Hon'ble Minister be pleased to state whether the "black-out" experiment launched upon had proved satisfactory and was considered sufficient to ensure the safety of the civil population in Calcutta and its suburbs?

(*h*) Will the Hon'ble Minister be pleased to give an idea of the steps which are in the contemplation of the Government to mobilise the support of various public institutions in Calcutta in carrying out anti-air-raid precautions effectively and successfully?

(*i*) Does the Hon'ble Minister consider similar air-raid precaution any arrangements necessary also for such coastal town as Chittagong as are being contemplated in regard to Calcutta and its suburbs? If so, what arrangements for safeguarding the lives and properties of the civil population in that town are being thought of?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) The possibility of attacks in the event of war by hostile aircraft operating from enemy ships in the Bay of Bengal or from land bases beyond the north-east frontier.

(*c*) No.

(*d*) and (*e*) The danger of air attack is remote and there is no cause for alarm. Sea-borne aircraft attacking from the Bay of Bengal would be few in number and their attacks could only be of a sporadic nature. The distances which land-based aircraft would have to fly make it very unlikely that they would attack either in large numbers or at frequent intervals. The danger of attack by means of gas bombs is thought by experts to be almost negligible, and while measures for protecting the public against this form of attack have not been neglected, Government is more particularly concerned with measures to prevent panic and to ensure the continuance of the vital services in the event of attack by high explosive and incendiary bombs, as well as to minimise, as far as possible, damage to lives and property. As already indicated, however, the danger even from this form of attack is not so grave as to give cause for alarm.

(*f*) No. The possibility of gas attacks is so remote that any expenditure of public funds on the provision of gas masks for the entire population of Calcutta and the suburbs at this stage would not be justified.

(*g*) The "black-out" proved very satisfactory. It showed that on a moonless night the darkening of Calcutta and the surrounding areas is effective in hiding vulnerable targets and in concealing the probable objectives of hostile aircraft. A "black-out" would certainly help very considerably to ensure the safety of the civil population.

(*h*) An Air-Raid Precautions Committee has been set up in Calcutta. It consists of certain officials and representatives of the public utility services, the Calcutta Corporation and other interests, and its purpose is to advise Government as to the steps that should be taken for the passive defence of the civil population in the event of air raids. The Committee has now been functioning for about eight months and has made considerable progress in the work before it.

The suburban industrial area from Naihati to Budge-Budge has been divided into areas and sub-areas for A.R.P. purposes and it is proposed that each of these areas and sub-areas should appoint an *ad hoc* A.R.P. Sub-Committee. A comprehensive scheme for the protection of the municipal areas and factories in these areas and sub-areas has been drawn up and printed, and copies have been circulated in large numbers through the Chambers of Commerce and Municipalities. A scheme for dealing with gas attacks has also been prepared but copies have not been issued to the public as Government does not wish to cause undue alarm.

The Committee has appointed two sub-committees, one of which is examining the problem of ensuring the continuance of vital services

such as water and food supplies, electric current and transport in the event of air raids and the other is dealing with the problem of communications. The necessity for securing a sufficient number of instructors to advise the public regarding air-raid precautions and so prevent panic has also received attention. Over two hundred men belonging to the Police force, Municipalities, the Port Trust, the Railways and public utility concerns have been trained under the guidance and supervision of an expert, and are now in a position to hold training classes themselves and thus pass on their knowledge to the public.

The Committee has sent for a consignment of equipment such as respirators, etc., and when these arrive arrangements will be made to train selected persons in their use.

In addition to the work done by the A.R.P. Committee in Calcutta, Government has received an offer of assistance from the St. John Ambulance Association, and has decided to make a grant to the Association to enable it to buy equipment and hold training classes.

(*i*) An Air-Raid Precautions Committee has been established in Chittagong and is engaged in preparing plans for the protection of the civil population in that area on much the same lines as the Calcutta Committee.

Mr. RANAJIT PAL CHOUDHURY: In view of the air attacks that might come on, are Government contemplating sinking tube-wells in case the Talla Water Works are attacked?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is a matter more for the Corporation of Calcutta than for the Government of Bengal.

Mr. RANAJIT PAL CHOUDHURY: Will the Government be sympathetic towards giving grants for sinking tube-wells to the Calcutta Corporation?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is, I think, too premature now, and it is very difficult to make any statement without any definite scheme being put forward before the Government.

Court of Wards.

85. Mr. KHORSHED ALAM CHOWDHURY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the present number of the managers and assistant managers under the Court of Wards;

(*b*) how many of them are Muslims and how many Hindus;

(c) the number of appointments made in that department during the last two years showing separately the respective figures of the Muslims and the Hindus and also their qualifications; and

(d) what are the principles by which the authorities are guided in making appointments in those posts?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy): (a) and (b)—

	Managers.	Assistant Managers.
Hindus	49	13
Muhammadans	4	4

(c) During the last two years only one Hindu Manager and one Muhammadan Sub-Manager were appointed. The former is a graduate and an ex-Settlement Kanungo and the latter a clerk of the Chittagong District Judge's office with previous training in Survey and Settlement work who had rendered service during the last Great War.

(d) In making these appointments only merit is taken into consideration.

Khan Bahadur ATAUR RAHMAN: May we know whether the question of the Hindu-Muslim ratio applies to this department or not?

The Hon'ble Mr. NALINI RANJAN SARKER: That is under the consideration of the Government.

Khan Bahadur ATAUR RAHMAN: Did not a certain ratio apply to other departments before this question came up recently?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes.

Khan Bahadur ATAUR RAHMAN: Did it apply to this department also?

The Hon'ble Mr. NALINI RANJAN SARKER: No, Sir.

Damage to crops in the Chittagong district.

86. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if his notice has been drawn to the annual damage to crops grown in the

Gomordhan *bil* in the Hathazari thana and in the Gomai *bil* areas of the Rangunia thana of Chittagong district resulting in a loss of several thousands of rupees to the poor cultivators living about these *bils*, owing to accumulation of rain and flood water in these *bils* or vast paddy fields?

(*b*) Is it a fact that during the last paddy season, heavy damage was caused to paddy crops in these *bils* and the poor cultivators suffered heavy loss?

(*c*) Is it a fact that these *bils* are flooded and water stagnates for days together owing to the want of proper outlets for rapid flowing out of water from these *bils*?

(*d*) Does the Hon'ble Minister propose to take any measures in the matter to provide necessary outlets for the regular and timely discharge of water from the *bils* in question? If so, what are they? If not, why not?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) and (*c*) Yes.

(*b*) Yes. I understand that remission of rents was allowed by the Collector.

(*d*) It is proposed to spend Rs. 1,000 from the 1939-40 Agricultural Improvement Grant in resuscitating the *khal* which drains the water of the Gomordhan *bil* and a scheme for raising the level of the Gomai *bil* is under consideration. A statement regarding this *bil* is laid on the table.

Statement referred to in the reply to clause (d) of question No. 86.

There was only one outlet (formerly called "The Kurmai *khal*") of the Gomai *bil*. The liability of this *bil* to annual floods necessitated drainage measures and in 1935 the silted up "Katakhali *khal*" in mauza Katakhali, police-station Rangunia, was re-excavated by local efforts. This however did not improve matters much and in 1936 the re-excavation of the silted up "Mundari *khal*" was taken up partly with local contributions (Rs. 3,000) and partly with Government grant (Rs. 7,000). The work was half done in 1936 but it succeeded in draining out the Gomai *bil* during 1936 flood more quickly than in previous years and the Gomai cultivators had almost twelve annas outturn of *aman* paddy in that year. The re-excavation of the "Mundari *khal*" was completed before the rains of 1937. During the flood in August, 1937, the *bil* was drained out through the Mundari *khal* in one-third of the time formerly required and facilities for transplantation of *aman* paddy in the Gomai area were thus afforded. The Gomai cultivators

said that they had nearly 16 annas outturn of crops that season for the first time for ten years. In 1938 there were three successive floods in the Gomai *bil*, the last one occurring very late when the transplantation time was almost over. The Mundari *khal* coud not take out the water of three successive floods so quickly as the people expected, but the cultivators anyhow transplanted paddy almost throughout the *bil*. Owing to this late transplantation and a subsequent insect pest the Gomai crops suffered heavily in 1938. In order to make good the loss the Gomai cultivators have been allowed this year to dam the Ichamati river in order to carry the water thereof to the Gomai area for the cultivation of early *aus* crops.

The Calcutta University Press.

87. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether it is a fact that about 20 workers of the Calcutta University Press are suffering from lead poisoning?

(*b*) If so, has the Government taken any steps to examine those sufferers?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'ble Minister be pleased to enlighten the House the date and nature of the examination and also names of the examiners and examinees?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) I am informed that this is not the case.

(*b*) and (*c*) Do not arise.

88. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Is it a fact that the Hon'ble Minister in charge of the Commerce and Labour Department received resolutions passed at a crowded meeting of the workers of the Calcutta University Press presided over by Mr. Abdul Bari, M.L.C., on the 7th March, 1939, making serious allegations against the authorities of the Calcutta University Press?

(*b*) If so, will the Hon'ble Minister be pleased to state what were the contents of the resolutions and what step has been taken or are intended to be taken in this matter? If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No.

(*b*) Does not arise.

The Nazir of District Judge's Court of 24-Parganas.

89. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*a*) the date of appointment of the present Nazir of District Judge's Court of 24-Parganas;

(*b*) how long he has been serving there as Nazir;

(*c*) whether he functions there in any other capacity besides Nazir;

(*d*) whether it is a fact that his transfer was ordered by the Hon'ble High Court, under the Rules, to Birbhum in 1937;

(*e*) if so, whether he was allowed one year's time on personal ground to stay at Alipore;

(*f*) if so, why he was not transferred after completion of one year's service in 1938; and

(*g*) whether the Hon'ble Minister considers the rules of transfer inapplicable to the Nazir in question?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) 15th December, 1933.

(*b*) 5 years 4 months.

(*c*) He is also Cashier of the Courts at Alipore.

(*d*) Yes, but the orders of transfer were subsequently cancelled.

(*e*) No.

(*f*) Does not arise.

(*g*) Clause (*l*) of rule 1006, Civil Rules and Orders, having been abrogated, the question of his compulsory transfer after 5 years does not arise. Transfers of Civil Court clerks are in the hands of the High Court.

Mental defectives in Bengal.

90. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state what steps have been taken by the Government of Bengal for proper care and training of mental defectives in Bengal?

(*b*) What is the amount of money that is annually spent on the training of mental defectives in Bengal by the Government?

(*c*) What is the total number of mental defectives in Bengal, according to the census figures of 1911, 1921, and 1931?

(*d*) Is it a fact that there is no mental hospital in Bengal which has the largest population among all the provinces in India and there are 3 mental hospitals in Madras, 5 in Bombay, 3 in the United Provinces, 1 in the Central Provinces, 1 in Assam, 2 in Bihar and 1 in the Punjab?

(*e*) Is it a fact that the number of mentally defective patients has been increasing year after year and that there is no sufficient arrangement for their proper care and treatment in Bengal?

(*f*) Will the Hon'ble Minister be pleased to state if he proposes to make proper and better arrangement for the due care and effective treatment of mental defectives in Bengal? If not, why not?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) There is no institution under Government for the proper care and training of mental defectives as distinguished from insanes. It has, however, been decided to open a psychiatry clinic shortly at the Medical College Hospitals, Calcutta, where treatment will be given to mental defectives.

(*b*) Recurring annual grants are made by Government to the Children House, Kurseong, and the Bodhana Niketan, Tiljala, which are Homes for mental defectives. The grant to these institutions in 1938-39 amounted respectively to Rs. 2,220 and Rs. 1,920.

(*c*) and (*e*) As census reports do not show separate figures regarding the number of mental defectives as distinct from insanes in general, the total number of mental defectives in the province cannot be given; nor can it be ascertained whether the number of mental defectives is increasing year after year.

(*d*) There is no mental hospital situated within the territorial limits of Bengal, but the Government of Bengal constructed and maintain jointly with the Government of Bihar the Indian Mental Hospital at Ranchi, and bear three-fourths of the total cost, capital and recurring. There is another mental hospital for Europeans at Ranchi to which also this province contributes in proportion to the number of patients sent from Bengal. The average expenditure incurred by this province for the maintenance of the two institutions in consideration of the accommodation provided in them for insanes from this province, amounts to nearly Rs. 5 lakhs per annum.

The hon'ble member is correct as regards the number of mental hospitals in the other provinces referred to by him.

(*f*) The opening of the psychiatry clinic referred to above will afford some treatment to mental defectives. The working of this clinic will require to be carefully watched for some time before any further action can be initiated. The whole matter is under my consideration.

Adjournment Motion.

Mr. PRESIDENT: Mr. Lalit Chandra Das will now move the adjournment motion tabled by him.

Mr. LALIT CHANDRA DAS: Sir, I beg to mention that I gave notice of an adjournment motion on the 1st of June, but as there was no business before the House on that date, this motion had to be adjourned till to-day. The motion runs as follows:—

"That this Council do adjourn its business for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Government to give protection to the Ministry's rival Mr. Shamsuddin Ahmed, ex-Minister and Leader of the Krishak Proja Party in the Bengal Assembly, who while returning to Dacca after addressing a political meeting in support of the Krishak Proja candidate, Mr. Rezakul Karim, for the Assembly bye-election from the Dacca Central Rural Muhammadan Constituency as against the League candidate was assaulted by some Muslim volunteers of the League Party at Tangi Station in Dacca district on 29th May last at about 10-30 p.m. who pelted stones at him and hit him and some of whom surrounded his compartment in the train and tried forcibly to enter it."

Sir, this morning I was given to understand by the Hon'ble the Chief Minister that he would have no objection to the admission of this motion——

Mr. PRESIDENT: Order, order. I am to enquire whether the hon'ble member has the leave of the Council.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, before leave is given, may I enquire as to the meaning of certain words? I could not follow——

Mr. PRESIDENT: No; after leave is granted, you can do that.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, have I got the right to oppose it on the ground that it is not admissible?

Mr. PRESIDENT: Yes, you have got every right to oppose.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would like to submit that this motion is not admissible on the ground that as far as the action of Government is concerned, the statement is incorrect. As soon as information was given by Mr. Shamsuddin Ahmed to the police, he was given adequate protection. Sir, an adjournment

motion must relate to some definite act of commission or omission on the part of Government, which would require immediate discussion on the floor of this House. As far as this question is concerned, from the very nature of the statement it is obvious that there is no reference either to any act of commission or to any act of omission on the part of Government which can make this motion admissible. I may just state for the purpose of illustration that if this motion was admitted, it would mean that any crime perpetrated or any offence committed against any person in any part of the province will be a subject-matter for discussion on the ground that Government have not given adequate protection. Sir, before this motion is admitted, I think it must be clearly shown that there was a definite act on the part of Government of commission or omission giving rise to such a situation in the country as to require immediate discussion in the Council.

Mr. LALIT CHANDRA DAS: May I in reply say that my motion contains a definite statement already, and I have taken the responsibility of making a definite statement to the effect that Government have actually failed to give protection where they could give protection to Mr. Shamsuddin Ahmed at Tangi at 10-30 p.m. Nowhere has it been stated that he was given protection at Tangi for which he asked. Tangi, Sir, is the place where the assault was made. The question is not that Mr. Shamsuddin Ahmed asked for police protection only at Dacca where, however, he was allowed to enter his own compartment in the railway train. What is my motion, Sir? My motion is that at Tangi, at 10-30 p.m. he was not given protection, and I have taken the responsibility of making this definite statement that Government has failed to do its duty where it could, namely that, they failed to give protection to Mr. Shamsuddin Ahmed. And, therefore, there is nothing vague or indefinite in my motion. Further, it is a fact that Mr. Shamsuddin Ahmed is against the Muslim League and it has not been disputed that it is a matter of urgent public importance. If I am allowed to support my motion by facts, it will be seen how Government has dealt with the whole situation. The action of Government on this matter has been such that an impression has been created in this province that the supporters of the Muslim League can do whatever they please in any part of the province. Sir, not only here, but there are instances where an hon'ble member of the Legislative Assembly, namely, Mr. Bokainagari, was assaulted——

Mr. PRESIDENT: Order, order. Adjournment motions are very special motions on which the regular business of the House is disturbed. The hon'ble member who has given notice of the motion must be able clearly to point out how he can make the Ministry or the whole Cabinet responsible for the action of a particular police officer in a particular thana. If a motion like this is to be admitted, there

must be a definite allegation that Government themselves are responsible for the action of that particular officer of that particular thana. You must be able to connect the Government with the action complained of or you must show that Government deliberately refrained from helping this particular member in his election campaign. Mere indefinite statement that a Government officer might have failed on certain occasions, cannot be a proper subject for an adjournment motion. There are regular legal remedies against these omissions. Mere omission will not suffice. You must be definite in your statement and must be able to connect the Government with the acts where you allege that they have failed to do their duty.

Mr. LALIT CHANDRA DAS: Sir, I have been quite definite in my statement. Here is Mr. Shamsuddin Ahmed who went out to address a public meeting on behalf of the candidate of the Krishak Proja Party as against the nominee set up by the Muslim League. Then, Sir, at Tangi there was the Railway Police—Government Railway Police——

Mr. PRESIDENT: Well, railway is a Central subject.

Mr. LALIT CHANDRA DAS: All right, Sir, the Railway Police apart, there was the Bengal Government Police there and I assert that these Bengal Police at the Tangi Railway Station could have dispersed the crowd if they liked—could have prevented the crowd from pelting stones at Mr. Shamsuddin Ahmed, and could have prevented the crowd from making any forcible entrance into the compartment of Mr. Shamsuddin Ahmed. But, Sir, nothing of the sort was actually done. Therefore, it is not a vague matter. The fact is that I have made——

Mr. PRESIDENT: Order order. Let us take one fact after another. This fact alone does not amount to any omission or failure of duty on the part of Government. A particular officer may have failed to do his duty in meeting a situation which has arisen all on a sudden, may have failed to give protection to a particular member of the public or a responsible leader of a party, but how do you connect that failure with the Government? How can you say that Government had a hand in it?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I rise on a point of order. Is the hon'ble member prepared to stand by his statement that the police was present there when the assault on Mr. Shamsuddin Ahmed took place? Can he state that on authority? That is a very important question, Sir.

Mr. PRESIDENT: Yes, that is indeed a very important point.

Mr. LALIT CHANDRA DAS: All that I can say is that the police are always there, and I may assume that in this case also they were there. I assume that since they were bound to be there, therefore they were there.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I rise to another point of order? Is the hon'ble member certain that the assault was made at the Tangi Station?

Mr. LALIT CHANDRA DAS: Yes, Sir, I am certain, and I make a definite charge that Government did fail to give protection to Mr. Shamsuddin Ahmed at the Tangi Railway Station, and I stand on my privilege as a member of this House to ventilate this matter in this House——

Mr. PRESIDENT: The question that Sir Nazimuddin asks now is whether this incident, namely, the assault, took place at Tangi Railway Station. Please answer "yes" or "no".

Mr. LALIT CHANDRA DAS: Yes, Sir, the assault did take place at Tangi. May I also in this connection draw the attention of the Hon'ble the Chief Minister, who is now not sitting in his own place but among the members of the Coalition Party, to the assurance that he gave me this morning that if I moved my adjournment motion he would have no objection to its being admitted, and that he would consult the Hon'ble Home Minister and give out the true facts if this motion is admitted?

Mr. PRESIDENT: Order, order. It is not a question of the Chief Minister or the Home Minister objecting or not objecting. It is the duty of the Chair to be satisfied that the motion is in order. Even if there is no objection from the Government, I may not admit the motion.

Khan Bahadur ATAUR RAHMAN: May I point out, Sir, that it appears that the cooling system is not working to-day and that may have been one of the reasons why Mr. Das has got so excited to-day?

Mr. NARESH NATH MOOKERJEE: May I, Sir, appeal to you to give us a chance of discussing this matter, because there has already taken place a murder in connection with this election campaign, and we propose also to raise a debate on that matter. Anyway, Sir, the seriousness of this matter is quite obvious.

Mr. PRESIDENT: Every hon'ble member has a right to give notice of a separate motion in connection with the murder that has taken place if he is so advised; but that is a quite different matter from this adjournment motion, and cannot be raised in this connection.

Mr. KAMINI KUMAR DUTTA: Sir, though I am not the mover of this motion, may I be allowed to speak a few words on the point as to whether the motion is admissible? I agree with the Hon'ble Sir Nazimuddin that every instance of a breach of the peace does not come within the purview of an adjournment motion, and I also agree with the general principle he has enunciated. Sir, simply because some acts of rowdyism have been committed here and there, they do not come within the scope of an adjournment motion for discussion in this House; but at the same time, if a particular act of rowdyism ending in a breach of the law seems to be the outcome of an organised policy and plan, then certainly it may be urged that it was the special duty of the Government entrusted with the maintenance of Law and Order in this country, to take all necessary precautions to prevent untoward happenings. The incident referred to in the motion was not an act of accidental rowdyism committed in circumstances in which Government could have no anticipation of it. But here, it appears from the resolution that very definitely the mover has stated some facts. One of these facts is that the gentleman assaulted was Mr. Shamsuddin Ahmed, an ex-Minister and a leader of the Krishak Proja Party, and he is also styled as the rival of the Ministry of which he was a member, but who now belongs to the opposite camp. Moreover, it appears that he happened to be there not in connection with his usual routine work but on a particular mission, and that mission related to an Assembly by-election in which rival candidates were set up by the Muslim League and the Krishak Proja Party. One candidate was nominated by the League Party which was aided by the Ministry, and another candidate was the nominee of the Krishak Proja Party of which Mr. Shamsuddin Ahmed was the leader. It further appears that this assault was made not by ordinary rowdies but by the Moslem volunteers of the League Party at a railway station. It is not as if Mr. Ahmed happened to be travelling in the train or that he accidentally happened to be at Tangi. So, as the resolution stands, there are these two definite allegations. The assault was committed by people who were engaged in the matter of an election contest and who were acting on behalf of the party to which the Ministry happens to belong. It further appears that the assault was committed on a person who is no other than the leader of the Krishak Proja Party. It also appears that this assault was committed in an open place in connection apparently with the election propaganda. So, I think this is not a case where an act of isolated rowdyism had been committed by a particular person on the spur of

the moment; nor was it even the result of a conspiracy over which it was not possible for the Ministry to be quite watchful. I am prepared to concede, Sir, that sometimes even officers in charge of Law and Order in a particular thana may have failed to have done their duty; in those cases the blame cannot possibly be laid at the door of the Ministry. But the present instance is not an instance like that. It appears from the motion that the matter is one which, one may be inclined to think, is the outcome of a certain policy, namely, of not allowing the free right of propaganda against the candidate who is in the unfortunate position of being supported by those opposed to the Ministry. So, I think that this is a resolution which ought to be allowed to be moved and discussed so that it may expose the doings of the League Party in their true colour.

Mr. PRESIDENT: Will Sir Nazimuddin tell me if the police is stationed at every railway station?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, actually it depends upon the circumstances. There is no arrangement for police at all the stations. Therefore, it is not possible for the police to be present at all stations.

Mr. LALIT CHANDRA DAS: But Tangi is a railway junction.

The Hon'ble Khwaja Sir NAZIMUDDIN: Secondly, as far as this particular case is concerned, I would like the Chair to make sure of one thing and that is whether the member concerned makes himself responsible for the statement as to what the actual facts were, where they had taken place, how they had taken place and under what circumstances. Simply by reading a report in the papers, to come and move an adjournment motion is against all parliamentary practice. Before a member gives notice of such a motion, he should make himself responsible for everything that he believes to be correct. That is an important point which my friend ought to remember.

Mr. PRESIDENT: The question is whether the hon'ble member who wants to move this motion is prepared to take the fullest responsibility for the statement he is making. But seeing that even after the challenge of the Home Minister he maintains that he is prepared to take the responsibility, we must assume that he must have made some enquiries into the matter which have satisfied him as to the truth of the allegation.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, of the many objections raised against this motion, one seems to be very fatal and that is the one raised by the Hon'ble Sir Nazimuddin as to whether

the mover is in a position to vouch for his statement that the police were actually present there and failed to discharge their duty. In answer Mr. Das has confessed that he has no statement to make. He merely relies on an assumption and he wants to have the "benefit of the doubt." I believe that hitherto this benefit of the doubt was available to accused persons only. But my friend comes in as a complainant, so to say, and as such he cannot rely on any benefit of the doubt. Benefit of the doubt in this case would perhaps be a doubtful benefit to this House on the admissibility of this motion. A serious motion for the adjournment of the normal business of the House cannot be based on assumptions and presumptions, for which there is no justification in our rules or in constitutional practice.

Dr. RADHA KUMUD MOOKERJI: I think, Sir, there are certain facts in this motion which cannot be denied by Government. Government cannot deny that an assault has been committed on a person who is not only a member of the public but is also a member of the Legislature and a rival of the Ministry. Of course, as regards his other dignities, I make no reference but I am simply concerned with the privilege of a member of the Legislature. So, I think the Hon'ble Home Minister with all the police information that he may have at his disposal cannot deny the fact of the assault. My second point would be that the Government were aware of what might happen. The Government themselves were connected with the organisation of a regular electoral warfare. They themselves knew that a battle-royal was raging between two opposite camps at an electoral contest. One of our esteemed Ministers left his post of duty at this Council when he should have been present here in charge of the Calcutta Municipal (Amendment) Bill. When we sought for him here, we were told by the Press that he finds that his duty lies elsewhere. So, Sir, the Government themselves must have had the best possible information as regards the tension of public feeling created by their own complicity, I should say. The Hon'ble the Nawab Bahadur of Dacca left his post of duty at the Legislature and went so far as to engage himself in a battle-royal for election.

The Hon'ble Nawab Khawja HABIBULLAH Bahadur of Dacca: An election contest involving 1,200 to 2,000 voters is not a battle-royal.

Dr. RADHA KUMUD MOOKERJI: If it was not a battle-royal, it should not have accounted for the absence of such a distinguished member of the Government.

My second point therefore is this. That like Cæsar's wife the Government must be always be above suspicion. That is the ethical

standard I put before the Government. Of course, Government may have their own standard, they may stoop very low to conquer; but stooping too low to conquer won't do. The Government of the day must be, I repeat, like Cæsar's wife, entirely above suspicion, and I say that the Government cannot clear themselves, according to the public opinion, of the suspicion that attaches to their conduct on this particular occasion. It seems to me that Government really have a kind of complicity in this matter.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, on a point of order——.

Mr. PRESIDENT: Dr. Mookerji himself has risen on a point of order. Let him finish.

Dr. RADHA KUMUD MOOKERJI: I am supporting the resolution——

Mr. E. C. ORMOND: On a point of order, Sir. The hon'ble member himself has said that he is not speaking on a point of order——

Mr. PRESIDENT: Order, order. He is on a point of order. Dr. Mookerji, you are not to make a speech.

Dr. RADHA KUMUD MOOKERJI: Sir, I am speaking on the point of order.

Mr. PRESIDENT: What is the point of order?

Dr. RADHA KUMUD MOOKERJI: My point of order is this: that it is a matter of extreme public urgency and importance on the ground that the Government of the day are guilty of complicity in certain happenings. My point, Sir, is firstly, that the Government do not deny the fact of the assault committed on a member of the Legislature; secondly, the Government should have anticipated this unworthy happening, and they should have been ready with their police forces to prevent such a happening, because they were in the thick of the fight themselves. They knew the tension of public feeling created by their participation in the electoral contest and they had the best possible information at their disposal. Thirdly, Sir, not merely one member of the Government but half of the Ministry were there including the Hon'ble Home Minister. He had at his beck and call all kinds of police help and information on the subject, and therefore, I say that in view of the particular circumstances surrounding the commission of the outrage, it won't do for the Hon'ble Home Minister to assume an air of injured innocence.

Mr. E. C. ORMOND: On a point of information, Sir. May we ask what is the point of order that the hon'ble member is now clearing?

Mr. PRESIDENT: Order, order. I think Dr. Mookerji has made his point clear.

Dr. RADHA KUMUD MOOKERJI: Sir, my first point is that the assault was committed, and my second point is that the assault has been committed with the previous knowledge of the Government. The Government now say that they had no previous knowledge.

Mr. PRESIDENT: Order, order. I think it has never been admitted by Government that they had any previous knowledge that the assault will be committed. You are making an allegation.

The Hon'ble Khwaja Sir NAZIMUDDIN: I may say that if there was not a question of principle involved in this motion, Government would have welcomed a discussion to show how absurd, how unreasonable and how perverse statements are being made, not on fact but on mere assumptions.

Dr. RADHA KUMUD MOOKERJI: Sir, may I explain what I meant.

Mr. PRESIDENT: Order, order: I do not require further elucidation on this matter.

Dr. RADHA KUMUD MOOKERJI: I must give an explanation, Sir, if you will permit me.

Mr. PRESIDENT: Order, order. I shall not allow any explanation. The Chair is not bound to hear anybody on a point of order. It is merely a concession that members are permitted to place their points and for several minutes Dr. Radha Kumud Mookerji has placed his points. I should now like only to hear the Hon'ble Chief Minister if he wants to say anything.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, may I make a personal explanation? When we met this morning in the House——

Dr. RADHA KUMUD MOOKERJI: On a point of order, Sir. The Prime Minister should be asked to speak from his seat.

Mr. PRESIDENT: The entire block is assigned to the Ministers. They may sit anywhere. I have not given any particular seats to the Ministers.

Dr. RADHA KUMUD MOOKERJI: We may hear him better from his seat here.

Mr. PRESIDENT: If the Hon'ble the Chief Minister desires, he may come to his seat and speak.

(The Hon'ble the Chief Minister moved to his own seat.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, this morning when I entered the House, I read the notice of the adjournment motion which was given by Mr. Lalit Chandra Das. I told him that the statement of facts made in the motion was not correct. He said that the matter should better be discussed in the House so that we might make a statement. I told him, personally I had no objection. I would really welcome an opportunity like this to clear misapprehensions in the minds of the public, and to correct misstatements at which my friends on the other side are so very adept. Now, Sir, it is for the Home Minister to decide. But there is one thing which I must repudiate and that is the mean attack and insinuation which has been made by Dr. Radha Kumud Mookerji that the Government was behind the conspiracy. Government had no connection with the incident. Mr. Ahmed was assaulted by certain students whom we do not know, and it is no use making allegations against the Government like this. It is mean and uncalled for.

Mr. PRESIDENT: If the Government is anxious to make any statement on this matter, the Chair will be very glad to permit them to do so. But the President will have to decide whether the motion is in order or not, irrespective of whatever statement may be made by Government. That it is a matter of public importance, I admit. But my difficulty was about the urgency of the matter. Acknowledged authorities on Parliamentary Practice like Campion clearly lay down that to be treated as urgent, a matter must require the immediate attention of the House and the Government and not be postponable until an opportunity is provided by special or other means.

Now, I must be satisfied about this test from the wording of the motion itself and nothing else. In the motion, I find nothing to connect the Government with the action of the volunteers of the Muslim League Party. There have been allegations and counter-allegations, but I am to decide on the basis of the wording of the motion, as I have said before. If there has been an assault, there may be a regular case filed in a court of law. During the elections, there are likely to be riots, and there will be allegations and counter-allegations. All these matters may be very important, and it may be the duty of the House to discuss those matters. But those are not really subjects for adjournment motions necessitating suspension of the

ordinary business of the House. I have carefully read the motion and I do not find anything to connect Government with the incident or that they had in any way instigated or were aware of the action of the volunteers of the Muslim League party. So, after due consideration, I rule this motion out of order.

Message received from the Bengal Legislative Assembly.

Mr. PRESIDENT: The Secretary will please read the message received from the Assembly regarding the Bengal Finance Bill, 1939.

The SECRETARY: I have received the following message from the Secretary to the Bengal Legislative Assembly.

"Sir,—With reference to your letter No. 622L.C., dated the 15th May, 1939, and in pursuance of section 80 (*1*) of the Bengal Legislative Assembly Rules and Standing Orders, I am directed to convey the message that the amendments made by the Council to the Bengal Finance Bill, 1939, have been agreed to by the Bengal Legislative Assembly at its meeting held on the 26th May, 1939."

The Calcutta Municipal (Amendment) Bill, 1939.

Mr. PRESIDENT: The House will now resume further consideration of the Calcutta Municipal Amendment Bill, 1939. We were dealing with sub-clause (*2*) of clause 3. I find that motion No. 50 of Mr. Humayun Kabir is out of order; and the next one 51 is also out of order; 50 to 60 are all out of order. Then 61 is out of order, 62 is out of order. As regards 63, I find Mr. Humayun Kabir is not present; 63, 64, 65 all go out; 66 goes out; 67 goes out; 68 of Mr. Lalit Chandra Das is out of order; 69, 70 are also out of order; 71 of Khan Bahadur Maulvi Mohammad Ibrahim is also out of order; 72 to 81 are all out of order; 82 of Raja Bahadur of Nashipur is out of order; 83 and 84 of Rai Bahadur Surendra Narayan Sinha are out order; 85 of Raja Bahadur of Nashipur is in order and that can be moved.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir, I beg to move that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

"(*i*) one Councillor to represent the Improvement Trust, Calcutta, who shall be the Chairman of the said Trust;

(*ii*) two lady Councillors to represent the lady voters of Calcutta of whom one shall be a Muhammadan and the other a Hindu; and

(*iii*) one Councillor to secure the representation of the minorities such as Buddhists, Parsis, Jews, provided no representative of such communities has secured any elected seat in a general or special constituencies."

Sir, nomination as a whole played a very important part during the early stages of the British administration in India. When the people had no adequate knowledge about the civic administration of the country, nomination played a very important part in creating popular interest in the public bodies and in the administration of various self-governing institutions. But I must say that this is not required now. The system of nomination has done good to the country as it has served to create interest among the people about the administration of the local bodies of their own province, of their own district, of their own village. But, Sir, as you know, not only in Bengal but in India there are several communities who are, as a matter of fact, said to be the minorities in the country or in the province. In their case, it would not be possible for them to come through election, because members of the major community generally comes by election and members of the minority communities are always neglected. So, in order to secure their representation, my proposal is that there should be some sort of nomination for them. For example, I may mention the Improvement Trust. Improvement Trust is a very important body. It deals with the improvement of the town of Calcutta and its Chairman should be represented on the Corporation Council. Secondly, Sir, I think two lady Councillors should be nominated. At the present moment, the ladies of our country are taking great interest in the development of our social and political life. Specially in Calcutta, ladies are taking great interest for the improvement of the city. So, it is necessary that there should be some representation for them on the Council of the Calcutta Corporation, but it is difficult for them to come through election. There have been occasions when two or three ladies have come, but that is not always possible. So, my idea is that at least two ladies should come to the Corporation—one Muhammadan and one Hindu. Even if there are some ladies who can come through election, still I think there will be no harm if one more lady be nominated. The third provision is for the representation of the minority communities. As I have suggested, it is very difficult for the Buddhists, Parsis, and Jews to come through election and as there is no special seat for them, they are to come either through Muhammadan or non-Muhammadan constituencies. Therefore, practically, it will be impossible for them to come through election, and my idea is that they should be nominated. With these few words, I commend my motion for the acceptance of the House.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

"(*i*) one Councillor to represent the Improvement Trust, Calcutta, who shall be the Chairman of the said Trust;

(*ii*) two lady Councillors to represent the lady voters of Calcutta of whom one shall be a Muhammadan and the other a Hindu; and

(*iii*) one Councillor to secure the representation of the minorities such as Buddhists, Parsis, Jews provided no representative of such communities has secured any elected seat in a general or special constituencies."

Mr. KAMINI KUMAR DUTTA: Sir, I rise in support of the amendment. I myself have given notice of an amendment somewhat akin to this and that is numbered 87-90. Now, by the amendment which has already been carried in this House, the number of Councillors to be appointed by the provincial Government has been reduced to 4. But at the same time, in respect of these 4 Councillors to be appointed by Government some principle ought to be enunciated as to from what particular class of persons this nomination should be made, and in this respect it can be said that the amendment is a very wholesome one. It first of all requires that one Councillor should be nominated to represent the Calcutta Improvement Trust and he should be the Chairman of the said Trust. It cannot be gainsaid that the question relating to the activities of the Improvement Trust looms very large in the affairs of the Corporation and a person representing the interest of the Improvement Trust ought to be on the body of the Councillors of the Corporation and the Chairman of the said Trust would be the person most competent for the purpose. It cannot be denied for a moment that the presence of a person of his position is essentially required in the body of the Councillors of the Corporation so as to really represent the interests of the Improvement Trust, and to place before the Corporation the affairs concerning the Trust. Further, this amendment requires that in making the nominations, the provincial Government should see that there are two lady Councillors in that body. It may be said that there might have been a separate constituency also for the women voters, but if provision can be made here requiring the Government to have two lady Councillors on the Council of the Corporation that requirement is fulfilled. Indeed, it is the general demand and a demand which must be said to be a very fair and a proper one that there must be representation of the women voters of Calcutta also in the Corporation and that can be very easily secured by nominating two lady Councillors in the Corporation of whom one shall be a Hindu and the

other a Muhammadan. Nothing can be said against this proposal to have two lady Councillors in the Corporation. There is also a good deal of feeling in the country behind this demand made in the amendment that there must be ladies also in our public bodies. It must be admitted that the ladies of our country have advanced a good deal and the time has come when they must be given a share not only in the general administration but also in the civic affairs of our country, and it is urgently needed that provision must be made to have representatives of women voters also in the Corporation. The third demand is for one Councillor from the minority communities, such as, Buddhists, Parsis and Jews. Indeed, since it appears that there is a general principle underlying all our present enactments that all communities should have a fair representation on all our public bodies, very naturally small communities who may not have a claim for a separate electorate for the purpose, may at the same time very reasonably claim that some provision should be made to have their representatives also in the Corporation. For example, the claims of the Buddhists and the other small communities occupying some position in the town of Calcutta can very reasonably claim that provision should be made for them to have at least one representative in the Corporation. So, considering the whole amendment in all its bearings, to me it seems to be a very welcome amendment, and there seems to be no reasonable ground to oppose it. The first demand made is to have the Chairman of the Improvement Trust, the second is to have two lady Councillors, and the third demand is to have one Councillor from other small communities who have not got separate electorate but at the same time whose interests require to be specially safeguarded in the Corporation. With these words, Sir, I fully support the amendment.

Mr. NARESH NATH MOOKERJEE: I wish to accord my wholehearted support to this amendment. But, Sir, there is one point about which I would like to appeal to the Raja Bahadur and that is in respect of sub-clause (*iii*) of his amendment. He has mentioned Buddhists, Parsis and Jews, but he has entirely left out the Indian Christian community from the whole picture. As you are aware, Sir, one member of the Indian Christian community was always nominated by Government on the Corporation and if we clearly specify here that only Buddhists, Parsis and Jews should be nominated , it will leave out the Indian Christian community altogether.

Mr. PRESIDENT: Order, order. The wording of the motion is confined to Councillors from minority communities such as Buddhists, Parsis, Jews, etc. That is the substantive motion. It means, therefore, that there may be other communities also who may be nominated. However, I shall permit, if the Raja Bahadur has no

objection, that the words "Indian Christian" may be added—only to make the meaning clear. The original amendment would have served the purpose which Mr. Mookerjee has in view, but it may be better to add the words "Indian Christian".

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I have no objection, Sir, to the addition of the words. As a matter of fact, by putting the word "etc." after the word "Jews", scope was left for any other community that might be added later on.

Mr. PRESIDENT: Then, Mr. Mookerjee may perhaps move an amendment to that effect.

Mr. NARESH NATH MOOKERJEE: Sir, I beg to move that the words "Indian Christians, etc." be added after the words "Jews", in line 2 of sub-clause (*iii*) of the Raja Bahadur's amendment.

Mr. PRESIDENT: Yes, your "etc." will help any other minority community.

Mr. NARESH NATH MOOKERJEE: Sir, there is just one other word I would like to say with regard to the Jews and the Parsi community. Sir, the Jewish community,—I do not want to hurt the feeling of Mr. Cohen—but I want to point out that the Jews have always had 3 seats in the Calcutta Corporation, and I think it will not be quite to the taste of the Jewish community, if we were to enforce nomination on them. They are a very large community, with a very large stake in the city being large owners of properties. I do not know whether Mr. Cohen or his community will like this idea, but I merely mention this because it is a question of representation being given to the minority communities. As regards the Parsi community, I do not know why representation is asked for on behalf of this community, because they are a very small community and, as a matter of fact, have never taken any interest in the civic affairs of Calcutta, and I do feel that it will be excluding other communities like Buddhists and Indian Christians and even the Jews, if we include the Parsi community into our nominating list. With this reservation, I generally support the amendment moved by the Raja Bahadur of Nashipur.

Dr. RADHA KUMUD MOOKERJI: Sir, I rise to support the amendment. The ground of my support is this. Firstly, there is the sister institution of the Calcutta Improvement Trust which in its resources is nearly as big as the Calcutta Corporation itself. Between the Improvement Trust and the Calcutta Corporation, the manifold interests of the city of Calcutta are generally administered

and therefore it is quite right that the Chairman of the Improvement Trust should be treated as an ex-officio member of the Calcutta Corporation. The second proposal is to give representation to women voters. Sir, the principle of nomination is not consistent with the principles of democracy; and yet as this principle of nomination is to be accepted as a necessary evil under certain circumstances, we should try to minimise the operation of such an evil as far as possible. I am quite prepared to retain the principle of nomination for the fair sex. The introduction of women councillors will add a romantic touch to the prosaic affairs of the Calcutta Corporation, and I do not grudge the women voters the two seats proposed in the amendment.

My next point is this: that if there is any protection to be claimed for any community, it must be a protection that can be legally claimed by a minority, and it is a well-known political principle that minorities may be specially represented and if the device of nomination is to be retained, then it should be applied only to the representation of well-defined minorities. I suppose the Government of the day will be quite prepared to name certain minorities who should be represented in case no representative of such minority communities can find a seat by the ordinary process of election. So, that proviso makes the third demand very very inoffensive. On this ground, therefore, I think that the members of the Council will be quite unanimous in regard to this very inoffensive, fair and just proposal.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Mr. President, Sir, I am sorry, I have to oppose all these three amendments for very obvious reasons, because it is well known and it has been the experience of the past that the Chairman of the Improvement Trust has to be there, and the Government has to nominate him because the Municipal Act and Improvement Trust Act are inter-linked in certain important matters relating to the civic affairs of Calcutta. And, as a matter of fact, a representative of this body has been there since Sir Surendra Nath Banerjee's Act is in force. The second point is that ladies have been coming through the front door in the past. Why should they be relegated to the back-door? As a matter of fact, I tell my Congress friends and their colleagues that they are the people who opposed the lady candidates. The Congress opposed Miss Jyotirmoyee Ganguly, a Hindu lady candidate who contested. It is these very Congress people who opposed Mrs. Kumudini Bose. Why were they not chivalrous towards these ladies and even romantic as my friend Dr. Mookerji has said? Why did they do so and now they suggest that the ladies should come by the back-door? They should see that they come through the front door. The third point is: it is obvious that some mistake was made on the last occasion about the nomination of a representative of the Indian Christian community. So far as I

know, one Indian Christian will be nominated. My fourth point is, how can one councillor represent three or four communities. Of course, one can understand the implications that one year a Buddhist will come, and in another year another Parsee representative will come and so on. But then the wording of it is not clear. So, I oppose this amendment.

***Khan Bahadur Maulvi MOHAMMAD IBRAHIM:** আমি শুধু স্ত্রীলোকদের nomination এর কথাই ব'ল্‌বো। এই কলিকাতা Municipality তে Indian Christian, Jew এবং পার্শীদের কোন প্রতিনিধি থাকা উচিত কিনা সেটা আমি ভাল বুঝ্‌তে পারি না। কিন্তু আমি এটা বেশ বুঝ্‌তে পারি যে বর্ত্তমান সময়ে আমাদের female প্রতিনিধি থাকবার বিশেষ আবশ্যকতা আছে। আজ হয়ত এই question এখানে উত্থাপন করবার কোন আবশ্যকতাই করো না, যদি আব্দুল হামিদ সাহেবের প্রস্তাব গৃহিত না হত। আমি এ বিষয় প্রধান মন্ত্রী মহাশয়কে জিজ্ঞাসা ক'রেছিলাম এবং তিনি assurance দিয়েছিলেন যে তিনি একজন হিন্দু এবং একজন মুসলমান মহিলাকে nomination দেবেন। সুতরাং যদি ৮ জনকে nomination করার ব্যবস্থা বলবৎ থাক্‌তো তা'হলে question এখানে আনবার কোন দরকার ছিলনা। এ বিষয়ে যদি কেউ সর্ব্বনাশ ক'রে থাকে তা'হলে আব্দুল হামিদ সাহেব সেই motion টা এনে সেই সর্ব্বনাশটা ক'রেছেন। সে যাহা হউক বর্ত্তমান-ক্ষেত্রে স্ত্রীলোকদের জন্য যে seat এর প্রস্তাব হোয়েছে সেটা সমর্থন ক'রবার সম্পূর্ণ যোগ্য; কেননা স্ত্রীলোকদের পিছনে ফেলে রাখবার কোন যুক্তি নাই। বিশেষতঃ কলিকাতা টাউনের মেয়েদের বিষয়ও দূরের কথা, আমাদের মফঃস্বলের স্ত্রীলোকেরাও এখন এরকম উপযুক্ত হোয়েছে যে তারাও Municipality তে প্রতিনিধি হোয়ে আসবার সম্পূর্ণ উপযুক্ত। এই প্রস্তাবের অন্য অংশে যাহা আছে সেগুলি যদিও সমর্থন কোরতে পারিনা, কিন্তু ক'ল্‌কাতা Corporation এ মেয়ে Councillor যে থাকা দরকার সেটা আমি সমর্থন করি। Miss Bose ব'লে যে মেয়ে candidate ছিলেন তিনি যখন নির্ব্বাচিত হোয়ে আসতে পারেন নাই, সুতরাং ক'ল্‌কাতা Corporation এ স্ত্রীলোকদের nomination করবার বিশেষ দরকার আছে।

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to oppose the amendment. Government desire that their discretion should remain unfettered. We yet do not know what form the Bill will take and what kind of representation it may be necessary for us to give even to the Scheduled Castes. But whatever may be the form of the Bill, we shall certainly pay the greatest amount of consideration to the wishes which have been expressed on the floor of this House regarding the manner in which the nominations shall be made, even though the result may be that Dr. Radha Kumud Mookerji may find that romance in the Calcutta Corporation which he seems to be bent upon seeking. I do not feel, Sir, that there is any reason to fetter the discretion of Government in this matter, and I therefore oppose the amendments.

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*Authorised English translations of these Bengali speeches will be found in the Appendix.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, I had no mind to participate in the debate regarding this amendment, but as my friend Khan Bahadur Maulvi Mohammad Ibrahim has made some personal reference regarding my action in connection with the amendment which I moved and which has been accepted by this House, I think it my duty to clear my position. I feel bold to assert, Sir, that my friend, has thoroughly misunderstood me. If my friend had the time to go through the Bill and every clause of the Bill carefully, he might have seen that the number of nominated seats which has been reduced included three seats ear-marked for the Schedule Castes. So, Government have no need to nominate anybody save and except members of the Scheduled Castes for these three seats and as regards another, my proposal was to give this seat to a Muhammadan. I made no mention whether this seat should go to a male member or to a female member. So, I feel bold to assert that my friend has thoroughly misunderstood me. He could not follow what I did and the remark which he has been pleased to pass is based on sheer misapprehension and misconception of the whole thing. As regards the present amendment, my view is that I might have been inclined to lend my support, but the last clause of the amendment which has been moved by my revered friend the Raja Bahadur of Nashipur seems to be rather an improbable one. A member who has experience of four foreign countries is very difficult to be available——

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I have moved 85 and not 86.

Khan Sahib ABDUL HAMID CHOWDHURY: However, as regards this amendment, I reserve my opinion, and I think I have already cleared my position and I have been able to show that some of my friends have thoroughly misunderstood me.

Mr. E. C. ORMOND: Mr. Presdent, Sir, our group oppose this amendment for the same reasons which have been very clearly and very ably stated by Mr. Roy Chowdhury. I need not repeat them. I would only take this opportunity to make one observation that representations have been made which have been brought to our notice on behalf of the Indian Christian community,—those representations having been made through the Lord Bishop of Calcutta—that they are afraid that under the new Bill the degree of representation which they have enjoyed in the past may be denied to them in the future. We, Sir, are quite confident that the Government in making their nominations will have due regard to that community. It is a large community and quite as large as many other minority communities, and we are confident that the Government will not overlook their size and importance and their

claims. I only take this opportunity to mention this so that that community which appears to be left rather in the background in the consideration of these matters of representation, may not be overlooked. With these words, Sir, I wish to oppose the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. President, Sir, I did not like to intervene in this debate but I only wish to make one submission with regard to some statements made by Khan Sahib Abdul Hamid Chowdhury. He said that the previous speaker could not properly follow him in his action with regard to the moving of his amendment. I confess that I am one of those persons who also failed to follow him through his amendment. He says that Khan Bahadur Maulvi Muhammad Ibrahim misapprehended his motives. I think, he did not at all misapprehend the motives of the Khan Sahib. His amendment has had a devastating effect on the various classes and interests—minorities and others—which would require protection through nominations. I think, on the other hand, the misapprehension lies rather on the part of the Khan Sahib alone than on this side of the House. I feel bold to say that if there is any misapprehension about his motives, the entire section of the House to which I have the honour to belong is sharing that misapprehension. But I submit the misapprehension really lies more on the other side than on this side. Further, we are concerned more with effect than with motives. And judging motives by effect, he was, in my submission, clearly wrong. I hope this will clear the position of this side of the House.

***Mr. MOAZZEMALI CHAUDHURY:** রাজা বাহাদুরের এই প্রস্তাব আমি সমর্থন করি। প্রথমতঃ Mr. Roy Chowdhury যে আপত্তি দিয়েছেন, আমার মনে হয়, সেই কারণেই রাজা বাহাদুরের এই প্রস্তাব সমর্থন করা উচিত। কারণ তিনি ব'লেছেন যে Improvement Trust এর Chairman বরাবরই কলিকাতা Corporationএ থেকে আসছেন এবং ভবিষ্যতেও থাকবেন। সেক্ষেত্রে বিলের ভিতর পরিষ্কারভাবে উল্লেখ থাকায় কোন আপত্তি থাকতে পারে ব'লে আমি মনে করিনা। দ্বিতীয়তঃ আজ আমাদের দেশের যা অবস্থা তাতে মেয়েদের দাবী যে, কলিকাতা Corporation এ সম্পূর্ণভাবে সমর্থনযোগ্য সে বিষয়ে আমাদের ভিতর বিন্দুমাত্রও মতবিরোধ আছে বোলে আমি মনে করিনা। কারণ বঙ্গীয় ব্যবস্থাপক সভায় এবং বঙ্গীয় ব্যবস্থাপরিষদে যখন মেয়েদের প্রতিনিধিত্বের অধিকার দেওয়া হোয়েছে তখন Corporationএ না দেওয়ার কি কারণ থাকতে পারে। তা'ছাড়া মেয়েদের ভিতর বর্ত্তমান ব্যারিষ্টার এবং ম্যাজিষ্ট্রেট আমরা দেখতে পাচ্ছি। মেয়েদের ভিতর মন্ত্রিত্ব করবার যোগ্যতাও যে আছে তাহাও প্রমাণ আমরা পেয়েছি। Legislative Council বা Assemblyর সভাপতিত্ব করবার যোগ্যও যে তারা হোয়েছে একথাও আমরা মেনে নিয়েছি। সর্ব্ব ব্যাপারেই পুরুষেরা যে অধিকার ভোগ কোরছে সে অধিকারে মেয়েদের ভাগ দিতে আমরা সর্ব্বদা প্রস্তুত আছি একথা আমরা এতদিন প্রকাশ কোরে আসছি; সুতরাং কলিকাতা করপোরেশনের ব্যাপারে

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যে প্রস্তাব রাজা বাহাদুর এনেছেন এটায় আপত্তি করবার বা প্রতিবাদ করবার কোন সঙ্গত কারণ আছে বোলে আমি মনে করিনা। কলিকাতা কর্‌পোরেশনের মতন স্থানে মেয়েদের প্রতিনিধিত্ব করবার দাবী সকল দিক দিয়েই সমর্থনযোগ্য।

তৃতীয়তঃ " Minority Community, যথা Indian Christians, Jews এবং বৌদ্ধ ও পার্শি প্রভৃতিরও কলিকাতা কর্‌পোরেশনের প্রতিনিধি থাকার যে প্রয়োজন আছে সে বিষয়ও আমার মনে হয়, দ্বিমত থাকতে পারেনা। Hon'ble Minister মহাশয় বোলেছেন যে গভর্ণমেন্টের হাত সম্পূর্ণ খোলা রাখা উচিত। হয়তো সে কথাটা খানিকটা সত্য। কিন্তু আমার মনে হয়, যে প্রস্তাবটা উপস্থিত করা হোয়েছে nomination ব্যাপারে এর চেয়ে ভাল প্রস্তাব কিছু উপস্থিত করা যেতে পারেনা। Minority র দিক দিয়ে সকল minority ই represented হোচ্চে, at the same time Calcutta Improvement Trust এর সঙ্গে কলিকাতা কর্‌পোরেশনের যে সম্বন্ধ সেটাও বজায় রেখে Improvement Trust এর Chairman কে সেখানে থাক্‌বার সুবিধা দেওয়া হয়েছে। আমার মনে হয়—এর চেয়ে ভালো নির্ব্বাচন গভর্ণমেন্টের তরপ থেকে করা সম্ভব নয়। সেইজন্য, আমার মতে, যে প্রস্তাব রাজা বাহাদুর উপস্থিত কোরেছেন সেটা House এর accept করা উচিত।

Rai MANMATHA NATH BOSE Bahadur: Sir, I rise to support the amendment proposed by my hon'ble friend Raja Bhupendra Narayan Sinha Bahadur, of Nashipur. I am really surprised to find that an amendment like this has been opposed even from the Government side—to say nothing of any other side. Sir, it is well known that the system of nomination is not at all approved of nowadays, but although it is not approved of, still it is a necessary evil, and as such, when the system of nomination is there we shall see that persons who ought to come in should be allowed to come in. And therefore I beg to submit that there should be some provisions in the Act itself about the class of persons who are most suitable for nomination. I have no doubt that my friend the mover has followed some principle in making his recommendation in his amendment. The first person whom he has recommended is the Chairman of the Calcutta Improvement Trust. It has already grown into a convention that the Chairman of the Improvement Trust should be on the Corporation and as long as this system of nomination has been in existence, since the passing of the Calcutta Municipal Act in the year of Grace 1923, the Chairman of the Improvement Trust has always been on the Corporation. So it is necessary and as a matter of fact it is admitted on all hands that the Chairman should be there. If that is so, this suggestion is quite proper. So far as the ladies are concerned, my friend Mr. Kamini Kumar Dutta has already submitted to you that, as a matter of fact, there has been a demand in the country that ladies should partake in all social and political matters connected with the affairs of the nation. Now, if that is so, it is necessary that they should be there and it is proper that one Hindu lady and one Muhammadan lady should be represented on the Corporation. So far as the third principle is concerned, he has referred to certain minority communities who have interests at stake in the city

of Calcutta; under these circumstances and taking the view that they also should be represented, I think it is very proper that some one each year from one of those minority communities should be represented on the Corporation. Under these circumstances, I do not think there is unfairness anywhere; as a matter of fact, it is not at all desirable that Government should have a free hand in the matter, because all Governments—whether democratic or otherwise—are usually apt to be despotic. And so, I think the discretion of Government should be fettered and they should be distinctly told what are the classes of persons from whom they are to nominate councillors to the Corporation. In this view of the matter, I whole-heartedly support the amendment moved by my friend the Raja Bahadur.

Mr. NUR AHMED: Sir, I rise to oppose the amendment of the Raja Bahadur, and I do so on broad principles. This Government have the power of nomination to secure representation for minority communities. But it is too premature for the House to determine what will be the state of things after an election is over. Whether any female will be returned from any constituency or not would be unknown till the results of an election are out as also whether any member of any minority community will be able to be elected or that community will remain unrepresented. Our Government is a popular Government, responsible Government, and we should not anticipate anything at this stage; this power of nomination should remain unrestricted in their hands and after an election is over Government will be in a proper position to determine as to who should be represented on the Corporation, from among the minority communities. With these few words, Sir, I oppose the amendment.

Mr. LALIT CHANDRA DAS: Sir, I have a similar amendment: it is amendment No. 91, but there are certain distinctions attached to my amendment and I would ask the mover the Raja Bahadur, if it is possible for him to accept my amendment. I am emboldened——

Mr. PRESIDENT: Order, order. You have to speak on this amendment alone. You will get your chance of speaking later on your amendment.

Mr. LALIT CHANDRA DAS: May I draw the attention of the House to the speech of Rai Manmatha Nath Bose Bahadur in which he says that the system of nomination is bad, but that it is a necessary evil and that the discretion of Government should be fettered? Now, so far as the representation of women is concerned can it not be arranged that a panel may be framed by the elected councillors of the Calcutta Corporation?

Mr. PRESIDENT: Order, order. I have already ruled that you cannot speak on your own motion now, namely, whether there should be a panel or not. You will get an opportunity of doing so when you move your own motion; but if you do not like this amendment, you can oppose it.

Mr. LALIT CHANDRA DAS: I support this amendment, but I was drawing attention to my amendment, because I thought that if this motion fails, my motion also would fail in consequence.

Mr. PRESIDENT: No, your motion will not fall through.

Mr. LALIT CHANDRA DAS: Then, Sir, I support the amendment of the Raja Bahadur.

Mr. PRESIDENT: Mr. Sarker, do you like to speak?

The Hon'ble Mr. NALINI RANJAN SARKER: No, Sir.

Mr. BANKIM CHANDRA DATTA: Sir, I rise to speak just by way of a reply to what has fallen from the Hon'ble Mr. Suhrawardy. The only objection advanced from the side of the Government has been that this amendment would be placing a fetter on the discretion of Government. I would humbly point out, however, that instead of being a fetter it would, on the contrary, be of help to Government, in this sense that this amendment, if passed, would show the classes or communities out of whom Government are to make nomination. This would be a sort of help to Government and not a fetter on their discretion, and I think that from that point of view, Government should not oppose this amendment.

The Hon'ble Mr. NALINI RANJAN SARKER: The position of the Government has been made clear by my friend Mr. Suhrawardy. Mr. Kamini Kumar Dutta says that Government's hands will not be fettered in view of the amendment which has already been passed with regard to the Scheduled Caste representation or nomination. So, Government do not like that the nomination should be given in the way suggested in the amendment: I therefore oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

"(*i*) one Councillor to represent the Improvement Trust, Calcutta, who shall be the Chairman of the said Trust;

(*ii*) two lady Councillors to represent the lady voters of Calcutta of whom one shall be a Muhammadan and the other a Hindu; and

(*iii*) one Councillor to secure the representation of the minorities such as Buddhists, Parsis, Jews provided no representative of such communities has secured any elected seat in general or special constituencies."

since which an amendment has been moved by Mr. Naresh Nath Mookerjee that after the word "Jews", in line 2, of sub-clause (*iii*), the words "Indian Christians, etc.", be added.

The amendment of Mr. Mookerjee to the original amendment of the Raja Bahadur was put and a division called.

Before putting the motion for the second time, Mr. President observed as follows:—

Lest there should be any misapprehension in the minds of hon'ble members that I had put the main motion of the Raja Bahadur to vote, I should remind them that the motion I have now put wants the addition of the words "Indian Christians, etc.", after the words "Buddhists, Parsees and Jews". I want to make it clear that it is the amendment of Mr. Naresh Nath Mookerjee to the amendment originally moved by the Raja Bahadur of Nashipur that I have now put before the House. The question is that this amendment be made.

The House divided:—

AYES—20.

Bose, Rai Bahadur Manmatha Nath.
Chakraverti, Mr. Shrish Chandra.
Choudhury, Mr. Moazzemali.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Dutta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Mukherji, Rai Bahadur Satis Chandra.
Pal Choudhury, Mr. Ranajit.
Roy, Amulyadhan.
Sanyal, Mr. Sachindra Narayan.
Sarker, Rai Sahib Indu Bhusan.
Singh Roy, Mr. Saileswar.
Sinha, Rai Bahadur Surendra Narayan.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES—27.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Khan Bahadur Rezzaqui Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hosain, Khan Bahadur Saiyed Muazzamuddin.
Hosbain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Maulana Muhammad Akram.
Molla, Khan Sahib Subidali.
Rahman, Khan Bahadur Ataur.
Rahman, Khan Bahadur Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Roy Chowdhury, Mr. Krishna Chandra, O.B.E
Shamsuzzoha, Khan Bahadur M.

(The amendment was negatived.)

Mr. PRESIDENT: Now, I shall place the main amendment of the Raja Bahadur.

The question before the House is that in sub-clause (2) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

"(*i*) one Councillor to represent the Improvement Trust, Calcutta, who shall be the Chairman of the said Trust;

(*ii*) two lady Councillors to represent the lady voters of Calcutta of whom one shall be a Muhammadan and the other a Hindu; and

(*iii*) one Councillor to secure the representation of the minorities such as Buddhists, Parsis, Jews, provided no representative of such communities has secured any elected seat in a general or special constituencies".

Mr. NARESH NATH MOOKERJEE: Sir, one of the members of this House is unable to go to the lobby owing to indisposed state of his health. Would you permit him to vote from his seat? I mean Rai Bahadur Radhica Bhusan Roy.

Mr. PRESIDENT: Yes, I shall ask him.

Mr. PRESIDENT: Order, order. Rai Bahadur Radhica Bhusan Roy, will you like to take part in this division?

Rai RADHICA BHUSAN ROY Bahadur: Sir, I cannot move from my seat, and go to the lobby.

Mr. PRESIDENT: You need not go. If you desire to record your vote, you can do it from your seat. If you like you can say "I vote for the motion or against the motion or I remain neutral".

Rai RADHICA BHUSAN ROY Bahadur: I vote for the motion.

The House divided:—

AYES—20.

Bose, Rai Bahadur Manmatha Nath.
Chakravarti, Mr. Shrish Chandra.
Choudhury, Mr. Moazzemali.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Dutta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Mukherji, Rai Bahadur Satis Chandra.
Pal Choudhury, Mr. Ranajit.
Roy, Amulyadhan.
*Roy, Rai Bahadur Radhica Bhusan.
Sanyal, Mr. Sachindra Narayan.
Sarker, Rai Sahib Indu Bhusan.
Sinha, Rai Bahadur Surendra Narayan.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

*Voted "Aye" from his seat with Hon'ble President's permission.

NOES—31.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Meshahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Khan Bahadur Rezzaqui Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur, S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nababzada Kamruddin.
Hosain, Khan Bahadur Sayyed Muazzamuddin.
Hossain, Mr Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Khan Bahadur Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Roy Chowdhury, Mr. Krishna Chandra, O.B.E.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur M.

(The motion was negatived.)

Mr. RANAJIT PAL CHOUDHURI: On a point of information, Sir. Can a member, who supports the motion, vote on the other side?

Mr. PRESIDENT: He may subsequently be convinced by speeches from the other side.

Mr. KAMINI KUMAR DUTTA: Sir, I beg to move that in sub-clause (2) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

"(*i*) to secure the representatives of two Women Councillors, one a Hindu and another Muhammadan; and

(*ii*) to secure the representatives of such minorities as are not specially represented by elected Councillors, provided that the Provincial Government may—if considered necessary—appoint the Chairman of the Calcutta Improvement Trust *ex-officio*".

Sir, in moving this amendment I want, first of all, to make my position clear. After the result of the previous amendment, it may be asked why I am moving this amendment again. In this connection, I would like to point out that there is difference between the amendment which has just been disposed of and my present amendment. In the previous amendment, the right of the Government to nominate was sought to be fettered in respect of the four seats to be filled up by nomination——.

Mr. PRESIDENT: Order, order. The House stands adjourned till 8 a.m. to-morrow.

Adjournment.

The Council then adjourned till 8 a.m. on Thursday, the 15th June, 1939.

Members absent.

The following members were absent from the meeting held on the 14th June, 1939:—

(1) Rai Bahadur Keshab Chandra Banerjee.

(2) Mr. Humayun Reza Chowdhury.

(3) Alhadj Khan Bahadur Shaikh Muhammad Jan.

(4) Khan Bahadur Muhammad Asaf Khan.

(5) Begum Hamida Momin.

(6) Mr. H. P. Poddar.

(7) Mr. Nagendra Narayan Roy.

(8) Rai Sahib Jatindra Mohan Sen.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 15th June 1939, at 8 a.m., being the nineteenth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Oath of Allegiance.

Mr. PRESIDENT: Any member desiring to take his seat will please come to the Table and take the oath or make the affirmation of allegiance in the manner prescribed.

The following member took his oath of allegiance:—

Mr. J. B. Ross.

QUESTIONS AND ANSWERS

Free and compulsory primary education.

91. Mr. KAMINI KUMAR DUTTA: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state if Government has prepared any full-fledged scheme for introduction of free and compulsory primary education throughout the Province?

(b) If so, will he be pleased to give an idea of the difficulties which stand in the way of giving immediate effect to that scheme?

(c) Is it a fact that the most formidable difficulty which confronts the Government in this connection is the paucity of funds at the disposal of the Government?

(d) Is the education cess contemplated under the Bengal Primary Education Act calculated to make available to Government the funds that they would require for a vigorous drive to stamp out mass illiteracy from this province?

(e) Has the Government under contemplation the inauguration of a planned campaign throughout the province for removing illiteracy among the masses?

(f) Will the Hon'ble Minister consider the desirability of mobilising the voluntary services of college students who will be returning to their native villages during the ensuing summer vacation in furtherance of a planned campaign for spread of literacy among the rural population?

(g) If not, will he be pleased to state the reasons for this decision?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No.

(*b*) and (*g*) Do not arise.

(*c*) and (*e*) Yes.

(*d*) The estimated receipts from education cess will form only a part of the total requirements. Much larger subvention from Government will be necessary.

(*f*) This is under consideration.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Is the Government aware of the fact that there is a strong public opinion to have free and compulsory primary education in the country?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: If that is a fact, is the Government prepared to draw up a scheme on that line?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, Government have already taken necessary steps and in that connection in certain districts of Bengal already the education cess is being levied and the Government have ordered that primary education should be introduced.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I mean to say that free and compulsory primary education should be introduced, not simply primary education.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I do not understand what the hon'ble member means by free primary education. What is the difference?

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: At the present moment there is no compulsory primary education.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: At the present moment there may be none, but it is going to be introduced compulsorily.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Am I to understand that the Government is going to introduce free and compulsory primary education?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes, very early.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: If that be so, will the Hon'ble Minister be pleased to refer to his answer No. (*a*) in which he says no scheme has been prepared?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The scheme is not yet ready, but the aim of the Government is that.

Mr. HUMAYUN KABIR: Are we to understand that the Government is going to introduce free and compulsory primary education without any scheme, since no schemes are ready?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That is not so; I have never said that.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please read the answer to question (*a*) under question 91?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have read it, but I don't understand therefrom what the hon'ble member has suggested.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state definitely if the Government have any scheme of free and compulsory primary education?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already said, no.

Mr. HUMAYUN KABIR: The answers of the Hon'ble Minister are contradictory.

Mr. LALIT CHANDRA DAS: Arising out of answer (*f*), the question was mobilising the volunteer services of college students during the ensuing summer vacation, the answer being, it is under consideration. What is wanted to be known is: will this consideration continue till the summer vacation lasts?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: If you want to mobilise the whole province, it will take some time. You cannot do it in a haphazard manner.

Mr. LALIT CHANDRA DAS: Will the consideration continue till the summer vacation?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It may be before that, or it may be after the ensuing session. It is a difficult question to answer.

Trade disputes in jute industry.

92. Mr. LATAFAT HOSSAIN: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) whether Government contemplates legislation on trade disputes on the lines of the Bombay Government;

(*b*) what was the number of trade disputes in jute industry during last 6 months and how many working days were lost?

(*c*) whether the Government is aware of vigorous communistic propaganda carried on in jute mill areas; and if so, what steps the Government proposes to take to check this in the interest of the workers who are often dismissed for indiscipline and insubordination?

(*d*) whether Government is aware that hessian speculators supplied finances to political agitators to foment the jute mills strike in Tittagarh in November, 1938; and

(*e*) if the reply to clause (*d*) be in the affirmative, what steps Government proposes to take to check such practice?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The question is under examination.

(*b*) Disputes in jute mills (involving stoppage)—13.

Disputes in jute presses—14.

Man-days lost in 12 jute mills disputes—1,018,350.

Full information is not available regarding the 13th mill.

Man-days lost in 14 jute presses—15,064.

(*c*) Yes. Where such propaganda involves the commission of an offence under any provision of the law, the offenders are prosecuted.

The organisation of genuine trade unions is encouraged and employers are advised to deal only with them.

(*d*) Such charges have been made, but I have no definite information on the point.

(*e*) Does not arise.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Arising out of answer (*a*), may I ask the Hon'ble Minister how soon the examination preliminary to the drafting of a Bill on Bombay lines will be completed?

The Hon'ble Mr. H. S. SUHRAWARDY: I have not stated, Sir, that I propose drafting any Bill on the lines of the Bombay Government. It said the whole question whether we shall draft it or not is under examination.

Khan Bahadur ATAUR RAHMAN: Regarding answer (*d*), to the effect that "such charges have been made, but I have no definite information on the point," may we enquire if the Hon'ble Minister is making enquiry to find out whether there is any truth in this information?

The Hon'ble Mr. H. S. SUHRAWARDY: I think such an enquiry will be fruitless. It will be impossible for us to ascertain the exact truth in this matter. Such charges were made at the time of the strike and we contemplated the possibility of being able to ascertain the truth of those charges, but in view of the difficulties that were involved, we gave up the question and I do not think it will be worth while pursuing.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Arising out of answer (*c*), will the Hon'ble Minister be pleased to state whether it has been reported to him that "Down with the British Government" is the slogan of the Communistic propaganda in the jute mill area? Is not that a criminal offence?

The Hon'ble Mr. H. S. SUHRAWARDY: Well, there are slogans of various kinds that are used. We do not take a very serious view of the slogans amongst uneducated and uninformed public, and I think the real remedy lies not so much in prosecuting these poor people, but in trying to educate them on right lines and prevent them from being misled by mischievous persons.

Appointments in the Civil Courts.

93. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*a*) whether it is the policy of the Government to apply the principle of fixed percentage for men of different communities in the ministerial appointments in the Civil Courts of the province;

(*b*) whether the Government proposes to apply this principle to each class and category of posts in these offices;

(c) the number of posts in the various grades carrying an initial salary of Rs. 70 or more per month in the Civil Court in the district of Faridpur;

(d) whether it is a fact that some of the incumbents of these posts in Faridpur have not even passed the Entrance or the Matriculation examination; if so, how many of them are Hindus and how many Moslems;

(e) the number of appointments made in the clerical posts in the Faridpur Civil Courts since the assumption of office by the present Government; whether any communal ratio was followed in making these appointments; if so, how many Hindus and how many Moslems have been so appointed; and

(f) what is the number of posts in the selection grade in the Civil Court in Faridpur, and the number of men of different communities holding them?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) and (b) Percentages for employment as ministerial officers in Civil Courts for Muhammadans for all the districts and for backward classes for a few districts have been fixed and Government obtain for scrutiny returns from the District Judges annually showing the employment of these classes.

(c) 18.

(d) Yes, 1 Moslem and 4 Hindus.

(e) Ten appointments were made on a temporary basis, as detailed below—

Moslem—3.

Caste Hindu—5.

Depressed class—2.

Under the reorganisation scheme 3 of them have been discharged. Of the remaining 7, 4 are Caste Hindus, 2 Moslems and 1 Depressed class Hindu. The ratio followed is—

Moslems—33.

Depressed class—15.

(f) There is no selection grade post, but there are the following special grade posts the incumbents of which are all Hindus:—

Sheristadar—1.

Nazir—1.

Head Clerk and Translator—1.

Reserve forest of Rampore, Charandip and Ringbam.

94. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state if he is aware that the present reserve forest areas of Rampore, Charandip and Ringbam was cultivable land before the tornado of 1896 which swept over Chittagong in that year?

(*b*) Is it a fact that the areas covered by these reserve forests are now lying mostly fallow?

(*c*) Is it a fact that a proposal has been made to release these areas and to have them colonized on the line of the Badarkhali scheme in Chittagong?

(*d*) Is it a fact that the Co-operative Department has sent a proposal for the same and it has been accepted by the Government? If so, when will these areas be released and colonized as stated above?

(*e*) What is the cause of delay in passing the final order in this matter?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) No definite information is available. But if the areas had been cultivated prior to 1896, there would have been no forests suitable for reservation in 1903.

(*b*) No.

(*c*) to (*e*) A proposal to disafforest Rampur and Charandip Blocks of the Chakaria-Sundarbans Reserve for colonization is under the consideration of Government.

Mr. NUR AHMED: With reference to answers (*c*) and (*e*), how long is the proposal under the consideration of Government?

The Hon'ble Mr. PRASANNA DEB RAIKUT: For some time.

Supply of foodstuff in the Dacca Mitford Hospital.

95. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state if one and the same gentleman is getting the contract of supplying foodstuff and other articles of diet in the Mitford Hospital, Dacca, year after year, for the last 25 years?

(*b*) Is it a fact that there were other contractors offering lower rates than those of this man on the last occasion?

(c) Is it a fact that the meeting of the Managing Committee for the acceptance of such tender was held during the Muharrum holidays when most of the Moslem members were absent?

(d) Is it a fact that the only Moslem member attending the said meeting requested the President to adjourn the meeting but without any avail?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) The same contractor has been given the contract for the last 20 years.

(b) There was a lower tender but the conditions laid down in the tender form were not fulfilled in regard to this tender. The lowest valid tender was accepted.

(c) No.

(d) A suggestion was made by a Moslem member to adjourn the meeting on account of the death of His Excellency Lord Brabourne. It was, however, decided to pass a resolution of condolence instead of adjourning the meeting.

Khan Bahadur ATAUR RAHMAN: May we enquire from the Hon'ble Minister what was the date on which this meeting was held?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not remember the date, but the date on which the meeting was held was not a Muharrum holiday as observed in courts and offices. As far as I remember, it was on a Shia holiday.

Khan Bahadur ATAUR RAHMAN: How is it that it is not a holiday? Are the Shias excluded from the category of Muhammadans?

The Hon'ble Mr. TAMIZUDDIN KHAN: The Courts and offices are not closed on those holidays, but only members of the Shia community are allowed to absent themselves.

Adjournment Motion.

Mr. PRESIDENT: Order, order. The Chair has received notice of an adjournment motion from Mr. Kamini Kumar Dutta which seeks to discuss a definite matter of urgent public importance, namely, the unsatisfactory reply given yesterday by the Hon'ble Home Minister in answer to supplementary questions relating to the control of the Library of the Legislature and the Government's deliberate transfer of such control of the Library from the Legislative Department to the Legislative Assembly, ignoring the claims of this House to an equal share in its control with the full knowledge that the Government of

India Act, 1935, provided for two Houses of Legislature for the Province of Bengal.

I am to enquire if there is objection from any member to a discussion of this adjournment motion.

(There was no objection.)

As there is no objection, I shall take up this adjournment motion to-morrow at 8 a.m.

The Calcutta Municipal (Amendment) Bill.

Mr. PRESIDENT: The House will now resume further consideration of the Calcutta Municipal (Amendment) Bill, 1939.

Mr. KAMINI KUMAR DUTTA: Sir, in moving my amendment, I observed yesterday that though the amendment was somewhat similar to the one which has been negatived, still I think it necessary to move this amendment, because it does not contain some of the features of the earlier amendment to which objection had been raised. While we were considering the earlier amendment, it was said that in the matter of nomination the hands of Government ought to be left unfettered so that they might make a selection at their own choice. Now, the present amendment which I have moved is absolutely free from that objection. It only says that in making nominations by Government the question of the women citizens of Calcutta should be considered and as regards their selection too, no restriction has been put on the discretion of Government. It simply says that the nomination should be made in a manner so that a representative of the minorities may be selected without specifying who those minorities are to be, leaving the Government absolutely free to make their own choice. So far as this amendment is concerned, there should, therefore, be no objection at all. It is not really placing any bar in the way of making a free choice in the matter of nominations on the part of Government. Only, it gives an expression to the general desire of the public all over the province that there must be some representation of the women voters of the city, specially on the civic body. In this connection, it is well known that the question of women taking part in civic matters is a very important one to be considered and I have no doubt that the co-operation of the women councillors will be extremely useful. With these remarks, Sir, I move my amendment.

Mr. PRESIDENT: Amendment moved that: in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

"(*i*) to secure the representatives of two Women Councillors, one Hindu and another Muhammadan; and

(*ii*) to secure the representatives of such minorities as are not specially represented by elected Councillors provided that the Provincial Government may—if considered necessary—appoint the Chairman of the Calcutta Improvement Trust *ex-officio*."

Dr. RADHA KUMUD MOOKERJI: Sir, I rise to support the amendment. The reasons in favour of the amendment have been already discussed, and it is hardly necessary for me to repeat them. I would only say that a democratic Assembly cannot on principle accept the very contradictory principle of nomination in the matter of the composition of a Legislature. But even recognising this fundamental position, we of the Congress Party are still prepared to put up with the existence of this necessary evil, and we are quite prepared to give to this principle of nomination some operation, provided that this operation is restricted within narrow limits. We say that the benefit of this principle of nomination may be given to the members of the fair sex. As I have already said, the introduction of the element of the womanhood of the city is expected to contribute to the smooth working of the city's administration. On that basis, I hope that the members opposite will not be so unchivalrous as to throw out this very humble suggestion of this party. I shall certainly accuse the opponents of this very just proposal of a want of a spirit of chivalry if they do so. I should think that Part I of the amendment is absolutely above board and above party politics and as a matter of universal principle of respect for womanhood, I think all members of this Council should show their sweet reasonableness and accept this proposal.

Now, as regards the second part of the amendment, there also I am taking my stand on a somewhat tardy recognition of this reprehensible principle of nomination, namely, that in certain constitutions of the world there is a feeling that minorities should have some claim for special protection. In the democratic history of the world, even special minority representation is not allowed and I may enlighten the members of the Council on this subject by stating that even the powerful German minority who form 24 per cent. in the State of Poland, even they cannot enter the Polish Parliament except as full-fledged Polish citizens and the German minority, backed though they may be by the might and majesty of Nazi Germany, even this German minority in Poland are not yet prepared to take their stand upon this discredited device of special representation for a minority. But I know that what will suit the world outside will not suit India, because India has got a monopoly of some of these discredited and discarded principles and practices of democracy and therefore I must submit to my fate, being an Indian. I must see the body-politic of India being splintered into fragments by the application of those principles which have been cast to the winds and discarded outside India. So, I must make clear this

reservation and say that we on principle do not believe in the special protection of the so-called minorities, because even if we apply the international definition of minority here, that definition will break down. It seems we have to set up a separate system of Indian jurisprudence and a separate system of Indian law applicable to Indian conditions, and we must accept the position that India lies outside the civilised world and is a country of barbarians where all kinds of discredited experiments have to be applied with vengeance. I specially refer to my European friends over there, who always brag of their high ideals of democracy, but they come to India only to apply these discredited ideas of democracy with vengeance.

Khan Bahadur NAZIRUDDIN AHMAD: And it was you, who the other day said that the Europeans were very good!

Dr. RADHA KUMUD MOOKERJI: Sir, the benefit of the European element in the Legislature is that it can throw its weight into the scale against the evil forces and make its contribution to the Legislature in helping it towards building up democratic traditions in India. But whereas in England they cannot breathe a word about this kind of minority representation, as soon as they come to India they will flourish with a blow of trumpets all these discredited principles of democracy. Sir, I bow to my fate and bow to the judgment which condemns India as a land unfit for true democracy. So, it will be found that India's Constitution is a hybrid type of constitution. But keeping this reservation in view, I still reluctantly support the second part of this amendment, namely, that minorities may be represented by some special reservation of seats and I hope that this right of special protection which is being granted here should be strictly confined to the minority communities and a minority can claim, according to our Indian ideas, some kind of protection. So, I hope my friends of the opposite side will show their sweet reasonableness in accepting first of all the proposal which in a chivalrous spirit reserves two seats for the womanhood of Calcutta and also reserves two seats for those minorities who feel themselves swept away by the tide of democracy at a general election.

There is also a third point in this proposal, namely, that we are bringing in the Calcutta Improvement Trust. I think that logically we cannot put them here. It should form a clause by itself. The Improvement Trust is a very august body, and it can take care of itself. Therefore, I think that it is the business of the Calcutta Corporation to see that it should give its due legal representation to the sister institution, namely, the Improvement Trust. So I think that this proposal should not be mixed up with the proposal which is meant for the representation of minorities; here the Calcutta Improvement Trust does not come in as a minority, it comes on its own merits, as an institution

complementary to the work of the Calcutta Corporation and, therefore, on this basis, too, I hope that our friends opposite will be prepared to accept this very inoffensive and reasonable amendment.

Mr. KADER BAKSH: I will be very brief, Sir. My hon'ble friend has said that the definition should be wide. May I ask him, Sir, whether he accepted the definition as "plus something" the other day? He deprecated nomination in very high terms, yet on the question of minority representation my friend knows perfectly well that the minority requires protection everywhere. If you do not protect a minority, you do not protect the whole nation. According to established theory, protection should be accorded to a minority and this is found in the history of the world. As regards the nomination of the Chairman of the Improvement Trust, I have not been able to follow my hon'ble friend as to whether he supports this amendment or not. Be that as it may, the highhandedness, the unfair treatment of the majority community towards the minority community, has compelled us to support the system of nomination.

The majority community with their influence backed by haughtiness born of their wealth, education, intelligence and not honourable tactics, have alienated the confidence of the minority community, and we think that our interests are no longer safe in their hands. The moment we realise that they are sympathetic towards us, we shall throw ourselves into their arms. I shall appeal to them to realise all these and behave accordingly. Being a Mussalman, I cannot think of the establishment of Hindu Raj everywhere. With these remarks, I oppose the amendment.

Mr. NUR AHMED: Mr. President, I rise to oppose this motion, but I fear I may be described as unchivalrous according to the opinion of the learned Professor, Dr. Mookerji. But even at the risk of being thus described, I am opposing this motion. On going through the original Bill, we find that Government has been given wide powers to protect any minority which remains unrepresented after an election; Government has also power to give representation to any person whose association with the administration of the city is deemed necessary and the whole purpose of the amendment appears to be to fetter the hands of Government. This present Government is a popular and responsible Government, and I think their hands should not be fettered in any way. Sir, an appeal has been made to our European friends that they should rise equal to the occasion and counteract the "evil forces." I do not know what the learned Professor meant by this expression "evil forces"—whether the members of the Coalition Party or any other party. But if he meant the members of the Coalition Party, that implies a slur on this side of the House. So, I strongly protest against

this remark of Dr. Mookerji. I can assure him that members on this side of the House are as anxious as they are for the representation of women on the municipal body of a city like Calcutta. But I beg of him to be more chivalrous in this respect and see that women are given equal opportunities of being elected through the general constituencies and reserved constituencies along with their fellow-citizens. Let us all see that when a woman candidate stands for a constituency, the male competitor withdraws. I think that would be a more chivalrous act than showing chivalry by reserving two seats for them. With these few words, I oppose the motion.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, Mr. Sarker unfortunately has been unable to be present at the present moment, and I hope you will permit me to speak on behalf of Government.

Sir, I oppose the amendment that has been moved. I congratulate the hon'ble members opposite on their ability to repeat the same argument over and over again and not from one mouth but through several speakers one after the other. I cannot emulate their example in repeating the arguments as to why we oppose the amendment. So far as the point raised by Dr. Mookerji is concerned, namely, the representation of the German minorities in Poland, it is extraordinary that Dr. Mookerji with his political and economic acumen has not been able to differentiate between the cases of a people who owe no allegiance to the Crown under which they live and a minority which owes allegiance to the Crown and can therefore claim representation. I see no parallel whatsoever in the two cases, and I oppose the amendments that have been moved.

Mr. HUMAYUN KABIR: Mr. President, Sir, I had no desire to take any part in the discussion at this moment, but a few remarks of the Honble Mr. Suhrawardy prompt me to reply to some inaccurate statements that he has made. The last statement he made was astonishing. He accuses—if I might use the term—Dr. Radha Kumud Mookerji of political and economic acumen. I do not quite understand what "economic acumen" means. Perhaps, Mr. Suhrawardy is in a better position than most members of this House to understand what "economic acumen" means. But with regard to the German minority in Poland, I think Mr. Suhrawardy has shown an astonishing lack of political acumen and political knowledge in saying that they do not owe allegiance to the State of which they are members. The German citizens——.

The Hon'ble Mr. H. S. SUHRAWARDY: That is what Dr. Mookerji said.

Mr. PRESIDENT: Order, order. The Hon'ble Minister must not interrupt if the member who speaks does not give way. You must observe some decorum. There is one rule for all members of this House, whether he is a Minister or not.

Mr. HUMAYUN KABIR: Sir, very probably Mr. Suhrawardy was not in that case able to follow Dr. Mookerji. All that Dr. Mookerji meant was that in Poland the German minority, though it is a very strong minority, does not get any representation as Germans. They get representation as Polish citizens. Into the merits of that question, I do not propose to enter at the moment, whether that is a good system or not or what effect it has had on the political situation in Poland or on the relation between Germany and Poland. These are questions on which Mr. Suhrawardy might have with profit said a lot of things and might have attacked Dr. Mookerji. But unfortunately, he did not attack Dr. Mookerji on that point. It is an astonishing statement that the German citizens of Poland do not owe any allegiance to the Polish Government. Therefore, Sir, the whole case which Mr. Suhrawardy sought to build up goes by default. There was no case and in fact when he said that he was not going to repeat any arguments, what he really meant was that he has no argument to repeat. I quite agree that he did not care to repeat for he had no argument to repeat or advance for the matter of that.

However, coming to the motion which has been moved by my hon'ble friend Mr. Dutta, I would say this. It is desirable that women should be associated with the civic administration of the Calcutta Corporation, and I shall have occasion to place arguments for that in a more detailed manner when an amendment which I shall move to that effect comes up before this House. I would go further than that. Khan Bahadur Maulvi Mohammad Ibrahim yesterday was pleased to say that he wanted representation of women, but why should they come by the backdoor of nomination and why should they not come through general electorates? When the time comes, he will find that I shall give him every support if he wants that there should be special women's constituencies for the city of Calcutta. Our desire is that not only two women but more women should be associated with the civic administration of Calcutta and for that purpose we want that there should be special women seats. Then, Sir, there is another remark of Mr. Suhrawardy which I have to contest. Yesterday, he said that the discretion of the Government must not be fettered. I think this also is an astonishing statement. In every country to-day the general policy of democracy, the general tendency of democracy is to fetter the discretion of Government and whenever the discretion of Government is not fettered, we have what is called despotism, we have what is called autocracy. (The Hon'ble Mr. H. S. SUHRAWARDY: Ridiculous.) That

is exactly what Mr. Suhrawardy is and what we do not want to be repeated here. We want to fetter the discretion of Government, and I do not think that this Government, or for the matter of that any Government in this world, reserves that their discretion should remain absolutely unfettered. In every case, certain general laws are laid down. These fetter the discretion of the Government. All legislations, all special rules, all resolutions passed by the Legislature in all countries of the world are fetters upon the discretion of the Governments. Here, in this particular resolution, the type of fetter which is sought to be imposed upon the Government's discretion is of a very general type. The Government can object if we seek to impose upon the Government special fetters, special directions, particular directions that so and so should be nominated, that such and such a person should be nominated; but where the directions are of a general nature, where the directions are with regard to a particular class of persons who must be nominated, it is the duty of the Legislature to impose such a restriction upon the Government, and this is particularly necessary in the case of the Government which functions in Bengal to-day. Because, we find that wherever its discretion has been unfettered, it has acted in a manner which is detrimental to the interests of the minorities. I refer to the Calcutta Corporation again. It has throughout been the custom to give representation to the Indian Christians in Calcutta. Now, this Government which always pretends to uphold the interests of the minorities, has not given any representation to Indian Christians in the Calcutta Corporation this year. May we know the reasons why? That is precisely the reason, these are precisely the grounds, for which the Legislature should impose upon this Government restrictions upon its discretion. We have found from actual experience that it has not exercised its discretion in the proper manner, and it is not fit to exercise its discretion. So, the Legislature must impose upon it some fetters. What has been imposed is a general direction. Therefore, this amendment provides that out of four seats which are sought to be reserved for nomination, two must go to women. It is not again a particular direction. This puts a fetter upon the discretion of the Government in only a general way. The number of women in Calcutta is very large. There is no bar to the Government nominating persons who reflect the point of view of the Government. All that we want is that two women should be represented; two women should be on the body of the Calcutta Corporation through nomination.

Again, Sir, with regard to the question of representation of such minorities as are not specially represented by the elected Councillors, this also is a principle which the Government must accept. This is a principle which the Government has by implication already accepted. With regard to the proviso which unfortunately Dr. Mookerji mixed up with the body of the resolution, this is a proviso. If necessary, the

Chairman of the Improvement Trust may be nominated *ex-officio*. That is a different matter altogether. It is not a part of the resolution. It is not a direction to the Government. It is only a proviso that two seats should be reserved for the minority. If it is specially necessary, Government may nominate the Chairman of the Calcutta Improvement Trust. Therefore, Sir, I do not see any reason why the Government should oppose this amendment, and as for Mr. Suhrawardy's arguments, I conclude by saying that he did not repeat any argument, because he had none to repeat.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, on a point of order. May I request you to follow the convention which you have hitherto been following, namely, that after the Government replies, there should be no further speech?

Mr. PRESIDENT: Order, order. I have said that——

The Hon'ble Mr. H. S. SUHRAWARDY: Sir,——

Mr. PRESIDENT: Order, order. When the Chair is on its legs, every member, whether he is an ordinary member or a Minister, must take his seat.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, I am sitting.

Mr. PRESIDENT: You are not to talk from your seat. Ministers are allowed under the Government of India Act "otherwise to take part in the proceedings," but not to interrupt any member in the midst of his speech or to raise points of order in this way. It is true that the Government member has the last right of reply. But who can claim to be treated as the Government member so far as this Bill is concerned? In this case the Minister who had given notice of this amending Bill being taken into consideration was the Hon'ble Mr. N. R. Sarker, and I have ruled already that he is to be treated as the Government member so far as this particular Bill is concerned. Government has, no doubt, absolute discretion to entrust any of the Ministers to give notice about taking up a Bill. In the face of my ruling, Mr. Suhrawardy cannot now claim to be treated as the Government member for purposes of this Bill. I find that the member in charge of the Bill is absent. If anybody wants to speak for him, he has the second right of reply. These are the rules. The Ministers must know the rules before they raise these points of order.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I point out that this was the reason why when I started the speech, I told you that Mr. Sarker is absent and I asked your permission to reply on behalf of Government. You were pleased to give that permission.

Mr. PRESIDENT: My answer to that is that I shall allow any Minister to reply on behalf of the Government. The Minister who had sponsored this Bill will have the last right of reply, according to our rules.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I submit, Sir, that we feel that it is very unfair to suggest that the Ministers expect different treatment from others. So far, they have always submitted to your rulings, and there has been no protest. I see no reason for the remarks, Sir, that fell from you.

Mr. PRESIDENT: I have ruled more than once that any member who is speaking in the House has the absolute right to speak uninterrupted and if any hon'ble member or Minister wants to interrupt him, he may rise in his seat and if the member speaking gives way, he will certainly have the right to interrupt, otherwise not. I was anxious to keep the discussion within order. Mr. Humayun Kabir was not giving way to the Hon'ble Minister, and I thought that he knew these simple rules of Parliamentary etiquette.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I still beg to submit if you will allow me——

Mr. PRESIDENT: Are you rising on a point of order?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Mr. PRESIDENT: What is your point of order?

The Hon'ble Khwaja Sir NAZIMUDDIN: My point of order is, Sir, that your ruling was——

Mr. PRESIDENT: Nobody has any right to question my ruling. My ruling is final.

Order, order. The question before the House is that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

"(*i*) to secure the representatives of two women councillors, one a Hindu and another Muhammadan; and

(*ii*) to secure the representatives of such minorities as are not specially represented by elected Councillors provided that the Provincial Government may—if considered necessary—appoint the Chairman of the Calcutta Improvement Trust *ex-officio*".

(The motion was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

"(*i*) to secure the representation of women in Calcutta by two women councillors one a Hindu, another a Muhammadan out of a panel of 4 women councillors to be framed by the elected councillors of the Calcutta Corporation;

(*ii*) to secure the representation of minorities such as the Indian Christians, Buddhists, Parsees, Jews, Sikhs, Jains such as are not specially represented by the elected councillors out of a panel of 4 such representatives to be framed by the elected councillors of the Calcutta Corporation; provided that the Provincial Government may—if considered necessary—appoint the Chairman of the Calcutta Improvement Trust—*ex-officio*."

Sir, I do not think I need make any long speech over this amendment. Self-government, if it means anything, means government of the people, for the people, and by the people. This government may rule badly or it may rule well. They may even err, but even then there is no room for nomination in that system. Even in the Government of India Act, 1935, we find that this principle was conceded in the matter of election of members to the Legislative Assembly. There was no nomination there. In the Statement of Objects and Reasons of this Bill, it would appear that Government pretend that they follow some provisions of the Government of India Act, but Sir, they deliberately do not follow the provisions which lay down that there would be no nomination as far as return of members of Legislative Assembly was concerned. But here the Government want nomination. They wanted eight nominated members in the Calcutta Corporation, but that number has been reduced to four by this House. Now there remain four members to be nominated by Government. If I understood the Hon'ble Mr. Suhrawardy aright, he was of opinion that nomination was a bad system and that it was in contemplation to do away with nomination altogether. That was his idea, Sir. Yesterday we heard Rai Manmatha Nath Bose Bahadur also observing that the system of

nomination was bad. He was quite right in that remark of his. He also told the House that he was out to fetter the discretion of Government in this matter of nomination. Here in my amendment, Sir, I am out to put a restriction on the discretion of Government in this matter of nomination, and I would take away the fangs out of the teeth of nomination for I look upon nomination as a sort of serpent. What I propose to do to-day is to do away with this principle of nomination, and I am suggesting that in the matter of the representation of women in Calcutta, they should be two in number and there should be a panel of four women representatives of Calcutta well known to the elected Commissioners. The panel should be framed by the elected Councillors of the Calcutta Corporation and out of that panel the Government will be at liberty to select two, one a Hindu and the other a Muslim. In the same way, I propose to take away the fangs out of the teeth of nomination in the case also of minority representation, namely, by suggesting that for the purpose of representation of minorities also a panel should be framed of four representatives of minorities by the elected members of the Corporation and of this panel two representatives of the minority communities are to be selected by Government if they like to exercise their right of nomination at all. There is another reason why I am putting forth this suggestion. Sir, Why is it that nomination is asked for by Government in this matter? Because, Sir, they want just to swamp the majority, to convert the majority into a minority. That is their aim. Now, Sir, when the amendment of my friend Khan Sahib Abdul Hamid Chowdhury seeking to reduce the number of nominated Commissioners from eight to four was carried, there was a flutter in the Government camp and they saw as a matter of fact that the majority remained a majority, and there is no more room for a minority playing the part of a majority. Here as a matter of fact they want to retain these four seats for nomination in their own hands and that for no other purpose than that of strengthening their own hands by combination and by subterfuge, so as to reduce that majority into a minority, and thereby make the work of the Corporation on national lines well-nigh impossible. It is for this purpose, Sir, that they want to retain nomination unfettered in their hands. But if it is really the purpose of Government to allow the majority to rule as it is one of the cardinal principles of the Moslem League——

Mr. PRESIDENT: Order, order. The House has decided that there should be four nominated seats. There is no questioning that decision. I would request the hon'ble member not to repeat the same argument over again.

Mr. LALIT CHANDRA DAS: Sir, I am not really repeating my arguments. So far as I remember, I do not at all follow the line of

argument that was followed by my friends for these two days. I am following altogether a new line. I was remarking that one of the cardinal principles of the Moslem League was to allow the majority, wherever there was a majority, to function as such. But the same principle has been given the go-bye and destroyed by the Moslem League Government in Bengal where they are making use of their majority for the purpose of destroying the rule of the majority in the Calcutta Corporation. So, my amendment really aims at giving the majority an opportunity of making their rule in the Calcutta Corporation effective. Here, the only thing that I am suggesting is that Government may retain the principle of nomination in their hands, but that nomination should be regulated in this way, namely, that a panel should be framed by the elected members of the Calcutta Corporation out of which Government is to select its own nominees for representation. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

"(*i*) to secure the representation of women in Calcutta by two women councillors one a Hindu, another a Muhammadan out of a panel of 4 women councillors to be framed by the elected councillors of the Calcutta Corporation;

(*ii*) to secure the representation of minorities such as the Indian Christian, Buddhists, Parsees, Jews, Sikhs, Jains such as are not specially represented by the elected councillors out of a panel of 4 such representation to be framed by the elected councillors of the Calcutta Corporation; provided that the Provincial Government may—if considered necessary—appoint the Chairman of the Calcuta Improvement Trust—*ex-officio*."

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I rise to support the motion which has been just moved by my friend, Mr. Lalit Chandra Das. He has devised a novel method of combining both the system of nomination and election for the purpose of constituting the Council of the Calcutta Corporation. By this device the Calcutta Corporation should elect a panel of four members out of which Government can nominate two. So, the system of election and nomination would be combined into one. His idea, as I have already observed, is that nomination should go and I agree with my friend on the left in thinking that nomination is an evil, but to minimise its effect he proposes to introduce the elective system in the nomination of Councillors. Sir, with regard to the merits of the motion, namely,

that two women Councillors should be elected to the Corporation, I may say that I too had the honour of moving an amendment yesterday on the same lines, and I was absolutely sure that at least the lady member of this House would kindly give me her support in this matter, but my expectations were belied. I again appeal to her to reconsider this question favourably as we really desire to see her sex represented in the Corporation. We want to see that the ladies of this country are given a proper place in the civic as well as political administration of the country. It is for this reason alone that we are always in favour of giving either nominated or elected seats to them in this House or in the Lower House or in the local bodies, so that they may have some hand in the administration of our country. Sir, not only this, if I am permitted to say, this idea has been supported also by my friend Khan Bahadur Maulvi Mohammad Ibrahim who belongs to a community which still believes in strict observance of the purdah for their women-folk. In the course of his speech on this Bill, the Khan Bahadur has given his whole-hearted support to the idea of having lady Councillors and also promised to support any move to that effect against all odds. But I was surprised to find yesterday that though he supported my motion by his speech, yet when the actual time of voting came, he voted against my amendment. So, it is very difficult for us to understand the real position in the House about this matter. If a member speaks in favour of a motion but goes to the opposite lobby at the time of voting, then we do not know how far an hon'ble member's opinion is reflected in his speech. So, for the purpose of our guidance it would seem better if an hon'ble member's speech and vote are consistent, as otherwise we are always in a dilemma as to the way one is going to vote. Sir, I have nothing more to add by way of supporting the motion.

Mr. HUMAYUN KABIR: Sir, I wish to support the motion on the following grounds. As far as I have been able to understand it, only one argument is advanced by those who claim that nomination should be a part in the machinery of any Government or administration. Personally, I have always been opposed to nomination, and I believe there should not be any nomination either on the local bodies or in the Legislature. But the only argument, as far as I have been able to think it out, which members bring forward in favour of nomination is that the majority which runs the administration, whether it be in a local body or in a Provincial Government or even in a larger body, should have a certain number of persons who reflect its own point of view, on whom they can depend, and it is in order to increase the majority of an already existing majority that nomination is there. In the past also, nomination had been used for this in the Provincial as well as in the Central Government in India. Nominated members constitute a bloc of people on whom Government has always depended. If that be the only argument advanced in favour of nomination, that it

gives to the administration, namely, the Government of the day—whether it be a Municipal or a Provincial Government—that it gives such Government a particular body of supporters upon which it can always depend, then I think that on this very basis this particular amendment has got to be supported. What this amendment seeks to do is also to secure to such a majority in the Corporation the right of having a group persons upon whom they can always depend, exactly in the same manner as in the Provincial Governments and the Central Government the nominated members are generally persons on whom the Government can depend. So, if this amendment is carried, here will be four persons who would reflect the opinion of the majority for the time being; at the same time the minorities also will thereby be represented, because these persons will be taken from a minority group, and two persons from the womenfolk of this city. Therefore, as I have said before, in my own opinion the very principle of nomination is vicious and cuts away the basis of democracy or self-government or whatever we might call it, but if the evil is there that evil should be minimised as far as possible, and this amendment seeks to minimise this as far as it can be done. Because, it provides that out of an elected Councillorship of 85, 89, 90 or 91, whatever the number may be—the people will choose eight persons—four of whom are women and four of whom belong to the minority communities, who are in line with the opinion of majority of the elected 85 or 90 Councillors as the case may be. In this way, eight names would be sent up to the Government to nominate four out of them to the Corporation. Therefore, the only argument which can be brought forward in favour of nomination is helpful here also in supporting an amendment of this type. But as I have said before, it is after all the best of a bad bargain. The whole thing is bad, but let us minimise the evil as far as possible. On this ground alone, therefore, I support the amendment.

***Khan Bahadur Maulvi MOHAMMAD IBRAHIM:** স্ত্রীলোকদের ভোট সম্বন্ধে যে সব প্রস্তাব এসেছে আমি প্রাণের সঙ্গে সে সব প্রস্তাব সমর্থন কোরতে বাধ্য। এতে আমার সাম্নে পর্ব্বত প্রমান বাধা এসেও যদি উপস্থিত হয় সেটাও আমি গ্রাহ্য কোরবো না। আমার বিরুদ্ধে এখানে এবং আমার constituency তেও যদি কিছু করা হয়, সে সব তৃণের মতন উপেক্ষা কোরে আমি female দের ভোটাধিকার সম্বন্ধে প্রস্তাব সমর্থন কোরবো। গত কল্য এবং আজ যে সব প্রস্তাব এখানে উপস্থিত করা হোয়েছে নারী জাতিকে করপোরেশনে প্রতিনিধিত্ব দেবার জন্য তার সঙ্গে আরো কতকগুলি লেজুর জুড়ে দেওয়া হয়েছে। যেমন প্রস্তাবের সঙ্গে সঙ্গেই মিনরিটি কমিউনিটির আর ইম্প্রুভমেন্ট ট্রাষ্টের চেয়ারম্যানের প্রতিনিধিত্বের প্রস্তাবও নারীদের প্রতিনিধিত্বের প্রস্তাবের ভিতর রয়েছে। আমি কালই বোলেছি এ গুলির কি আবশ্যকতা আছে না আছে তা আমি বুঝতে পারি না। তবে এইটুকু বোলতে পারি যে যতগুলি সংখ্যাল্প সম্প্রদায়ের নাম করা হোয়েছে তাতে যদি করপোরেশনের সিটের সংখ্যা পাঁচ শতও করা যায় তাতেও বোধ হয়

*An authorised English translation of this Bengali speech will be found in the Appendix.

কুলোবে না। এত সংখ্যাল্প সম্প্রদায় কলিকাতাতে আছে যে প্রত্যেকের জন্য আসন নির্দ্দিষ্ট করা এক অসম্ভব ব্যাপার। সেইজন্য এই প্রস্তাবের অন্য অংশ ছেড়ে দিয়ে কেবল নারী জাতির জন্য দুইটী সিটের প্রস্তাবটুকু আমি সমর্থন কোরতে রাজী আছি। কিন্তু শুধু নারী জাতির জন্য প্রস্তাব না এনে কেন যে তার সঙ্গে জেন্ডার জুড়ে দেওয়া হয়েছে তা বুঝতে পারছি না।

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I did not like to intervene in this debate, but after hearing the argument of my hon'ble friend Mr. Humayun Kabir, I think I should say a word or two. He always complains that he does not understand or follow the arguments from this side of the House; but I am also inclined to confess to some amount of obtuseness in following his arguments. The position is this. After the passing of the amendment reducing the nominated seats, we are now left with only four. The present amendment proposes that out of these four seats, two should be given to women,—one Hindu and one Muhammadan. Mathematically, that leaves us with only two seats. Of these, the mover would give one to the Chairman of the Improvement Trust—*ex-officio*. A little arithmetic would show that these provisions would leave us with a balance of one seat only to be disposed of. Out of this one seat, the mover would provide for Indian Christians, Buddhists, Parsis, Jews, Sikhs and Jains—all in the plural number—and what not! I confess, I fail to see how out of one seat he would give separate representation to so many interests. The fact is that notice of this amendment was given when the mover was unaware of the coming amendment of the Khan Sahib. At that time there were eight nominated seats and the amendment of Mr. Das was sent on that basis. Now, after the number is reduced to four, this amendment would be an anachronism. To support it now would be a little inconsistent—a mathematical impossibility.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose the amendment. I only wish to say this, Sir, that the Ministers have no desire to be treated differently from the other members of this House and any suggestions to the contrary are unfounded.

Mr. PRESIDENT: I think the Ministers should read the rules carefully before they come to the House. Every member whether a Minister or a member in charge of a Bill has every right to speak. Of course, a Minister in charge of a Bill has the second chance of addressing the House by way of winding up the debate. If the Ministers abuse their power in opposing a motion and cast reflection on the Chair, I shall be compelled to take drastic steps against such non-member Ministers——

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. I have no desire to caste any reflection on the Chair——

Mr. PRESIDENT: Order, order——

The Hon'ble Mr. H. S. SUHRAWARDY: Sir,——

Mr. PRESIDENT: Order, order. You must conform to the rules of this House. When the President is on his legs, you must take your seat and you must not pass any remark.

The question before the House is that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

"(*i*) to secure the representation of women in Calcutta by two women councillors one a Hindu, another a Muhammadan out of a panel of 4 women councillors to be framed by the elected councillors of the Calcutta Corporation;

(*ii*) to secure the representation of minorities such as the Indian Christian, Buddhists, Parsees, Jews, Sikhs, Jains such as are not specially represented by the elected councillors out of a panel of 4 such representation to be framed by the elected councillors of the Calcutta Corporation; provided that the Provincial Government may—if considered necessary—appoint the Chairman of the Calcutta Improvement Trust—*ex-officio*."

The House divided:—

AYES—16.

Banerjee, Rai Bahadur Keshab Chandra.
Bose, Rai Bahadur Manmatha Nath.
Chakraverti, Mr. Shrish Chandra.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Dutta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Pal, Choudhury, Mr. Ranajit.
Sanyal, Mr. Sachindra Narayan.
Sarker, Rai Sahib Indu Bhusan.
Sinha, Rai Bahadur Surendra Narayan.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES—30.

Ahmad, Khan Bahadur Nasiruddin.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Khan Bahadur Rezzaqul Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hosain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Maulana Muhammad Akram.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Ross, Mr. J. B.
Roy Chowdhury, Mr. Krishna Chandra, O.B.E.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur M
Singh Roy, Mr. Saileswar.

(The amendment was lost.)

Mr. PRESIDENT: Do you want to move your amendment, Dr. Barua?

Dr. ARABINDA BARUA: Yes, Sir; but with your leave I would like to move only a portion of the amendment, namely, that in sub-clause (2) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

(*i*) one Councillor to represent the Buddhist community;

(*ii*) one Councillor to represent the Indian Christian community.

I do not want to move the other parts of my amendment including the proviso.

May I have your permission to move my amendment in that form?

Mr. PRESIDENT: Yes, you may.

Dr. ARABINDA BARUA: Mr. President, Sir, although a similar amendment moved by the Raja Bahadur of Nashipur has been negatived, I am not altogether without hope that my amendment will be accepted by the House. For, it has been claimed by the Hon'ble the Chief Minister on behalf of the Government and by the leaders of the Coalition Party as well as of the European Group and no less by the leader of the Congress, that the interests of the minorities are their special concern. Here is indeed an acid test to find how far they are true to their protestations. If these hon'ble gentlemen mean what they say and practise what they profess, then I think there is every reason in favour of my amendment being carried; for, my amendment seeks to provide a seat for the two most important minority communities of this province, namely, the Buddhist community and the Indian Christian community. There may be other minority communities but these are the two minority communities that require special consideration. So far as the Buddhist community is concerned, it has got the largest population among the minority communities in Bengal and their population is over 3 lakhs in the whole of the province. The population of the Indian Christian community is next to that of the Buddhists, their number being over 2 lakhs in the province. The number of these two communities in the city as well is also fairly large. From past experience we have found that although there was a provision for the nomination of minority communities in the Corporation, so far as the Buddhist community is concerned, this community never got a nominated seat in the Calcutta Corporation. There is also no guarantee that

Indian Christian community will get a nominated seat on the Corporation, unless statutory provision is made for the same. So, it is only just and fair that some provision should be made for the representation of these two minority communities. Sir, it has been claimed on behalf of the Government that Government's hands should be left unfettered in this matter. I am, therefore, leaving two of the seats which the Government can fill up at their own choice. Besides, I find no reason why Government's discretion in the matter of nominated seats should be left unfettered. Sir, even in nominations to be made to this House which is absolutely at the discretion of the Governor, in the Instrument of Instructions it has been clearly laid down as to which of the communities and interests are to be given nominations in this House. And I find no reason why a similar provision should not be made by this House and some sort of direction should not be given to the Government with regard to the representation of minorities on the Calcutta Corporation. With these few words, Sir, I commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

(*i*) one Councillor to represent the Buddhist community;

(*ii*) one Councillor to represent the Indian Christian community.

Mr. NARESH NATH MOOKERJEE: Sir, I wish to accord my whole-hearted support to this amendment moved by Dr. Barua. Sir, it has been said that Government do not want their hands to be fettered by any definite specification for representation to the nominated group, but we have got every reason to believe that Government have not exercised their judgment and have not been fair to certain important minorities and have left them out of consideration in the matter of representation to the Corporation. Mr. Kabir has already pointed out that the Indian Christian community, for instance, which had always been represented on the nomination list of the Corporation in the past has this year been left out. In the same way, the Buddhist community which is also an important minority community in the city should also be represented. We feel that this is a very fair amendment and we do hope that Government on this occasion at least will lend us their support, because it is not really with a view to change the character of the Bill that we are making this amendment. In fact, this amendment would not change the character of the Bill in any way. To my European friends also I wish to extend my appeal, because by supporting this amendment they will not be opposing the

Government. All that we want our friends to do here is to specify two seats for two important communities of Calcutta. It is now clear that our friends as well as the Government do not want representation for women on the Corporation. Very well; if that is the consensus of opinion we cannot to object to it. But certainly we must lay stress on this amendment moved by Dr. Barua, and we hope that our friends here will give their unstinted support to it.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to oppose this amendment. Had it been the case of the Chittagong Municipality, I would have whole-heartedly supported this amendment. Probably, Dr. Barua does not know what a microscopic minority the Buddhist rate-payers are in Calcutta. Therefore, I do not think that the Buddhist community of Calcutta deserves a seat in the Calcutta Corporation, because the rates and taxes paid by that community are very very small.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I would also oppose the amendment, and in doing so I would supply one other argument. The other day, while the amendment with regard to this clause was moved for reducing the number of nominated councillors from 8 to 4, Dr. Barua voted for that amendment. I think that his attempt now to make a separate provision for the representation of his own community, after having successfully reduced the number from 8 to 4—and his vote was a deciding factor on that occasion—has little practical logic behind it. After all this, it is a little surprising on his part to ask for two reserved seats out of the 4 open to nomination. To me, Sir, who is not as intelligent as the happy and smiling gentlemen of the Opposition, this action on his part is a bit inconsistent. With these few words, I oppose the amendment.

Mr. HUMAYUN KABIR: Sir, in the discussion of this motion, again, I had no intention to take any part but the remark of my friend Khan Bahadur Naziruddin Ahmad forces a reply from me. On a previous occasion, he was pleased to remark that very often he did not understand my arguments. I could not pay him back the compliment on that occasion, because I did understand his argument then. But this time I think I can pay him back the compliment, and that with interest, because this time the argument which he has advanced is one which will please, or, if I might say so, "amuse" every one in this House. His argument simply seems to be this. Dr. Barua voted the other day for a proposal that there should be 4 nominated members instead of 8; therefore it follows that Dr. Barua does not want any nomination for the Buddhist community. There is hardly any consistency between these two statements: it hardly illustrates even the logical

fallacy of *post hoc ergo propter hoc*. There is no connection at all between the two statements. If there is any argument to be found in the speech of Khan Bahadur Naziruddin Ahmad, it is to be found in his idea of vindictiveness. His argument seems to be that, simply because Dr. Barua voted against the motion for which Khan Bahadur Naziruddin Ahmad voted, therefore, when he wants special representation for his community, he will not get it for his community. But I am sure, the House at any rate will not be swayed by a consideration like this. I have always had great faith in the good sense of the House, and when a matter has been given up as a foregone conclusion, that good sense has asserted itself. On more occasions than one, the House has justified itself, has proved itself more amenable to reason than to party decisions or party discipline. On very few occasions decisions have been taken here without proper consideration. Settled facts have been unsettled in this House by members acting at their discretion and I have no doubt that if the occasion should arise, members will again exercise their common sense and their independence of judgment and will again upset any decision which may have been arrived at, perhaps in an unreasonable manner, elsewhere.

Now, Sir, with regard to this particular amendment I shall also refer to the remark of Khan Bahadur Ataur Rahman that the Buddhist community is only a microscopic minority among the rate-payers of Calcutta. Our argument against that is that the rate-payers of Calcutta are an artificially-restricted body, and that the franchise is abnormally high—payment of a monthly rent of Rs. 25 for a house in Calcutta is an absurdly high qualification for voting for the Corporation elections. Introduce adult male franchise and the whole thing will be changed. As my friend, Dr. Barua says, if there are 3 lakhs of Buddhists, that is a sufficient ground why they should be represented on the Calcutta Corporation. I am told that 8 lakhs is their population for the whole of the province but in Calcutta they are a small minority; but even admitting that, it is fair that their interests should be protected. Next, I place great emphasis on the representation of the Indian Christian community. Nobody can deny that its claims have been clearly overridden in the past, not having been properly recognised in the present Bill. Nobody can deny this. Therefore, the Indian Christian community should get its representation on the Calcutta Corporation by nomination as well as by election. Of these grounds, Sir, I support the amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose the amendment. I sympathise with the attempt of Dr. Barua to secure for his community a seat in the Calcutta Corporation by nomination. I desire to reiterate in this connection that in the matter of nominating a member of a minority community, the question as to whether the

Buddhists do form an important minority or not will have to be considered. But Dr. Barua need hardly be afraid that Government will not exercise their discretion in a proper manner, seeing that he himself has been nominated to this House on the very same basis, namely, in order to secure representation to an important minority community. Sir, there is no reason why this amendment should be moved and I would, therefore, request the hon'ble mover to withdraw his amendment.

Dr. RADHA KUMUD MOOKERJI: Sir, I had no intention to intervene in this debate, but I have been stimulated to do so by the very scathing remarks which fell, from Khan Bahadur Naziruddin Ahmad. I think, Sir, that the mischievous consequence of the kind of logic to which we have been treated by the Khan Bahadur must be completely discussed and laid bare. His point is that because a certain member has moved an amendment which was in general terms, that is a sufficient reason why that member should be penalised by having all his proposals turned down. However, I would follow his logic in one matter. I find that although I have stoutly voted for the rights of the fair sex for their due representation on the body of the Corporation, I find that the representative of the fair sex in this House have deserted me and has always gone against my proposal which was meant for them, and gone over to the other side. So, I now promise that I shall never be a party to a proposal which is disowned by the very people for whom it is meant. I was counting without the host. So, in that sense the logic of Mr. Naziruddin Ahmad is somewhat fruitful in its consequences. But apart from that, I find that really I think he should be a better logician in not connecting these two things as cause and effect. Dr. Barua voted for the amendment which was on very general terms. He stood up on the ground that power of nomination should be restricted as far as possible, and therefore he actually voted upon that on a different ground. Now the point is as to the remainder that is to be filled up by nomination. The Government has already been pleased to show its approval of the principle by which the restricted power of nomination will be exercised in favour of certain minority communities. If so, let the Government go a little further and give this House a sort of an idea as to what minority communities it would have in view. Certainly the claims of Indian Christians cannot be brushed aside by any means. They are the foremost of the minority communities of Calcutta. So far as one item is concerned, namely, the item concerning the Indian Christian community, the Government should come forward even on the floor of this House and say that it might accept this proposal for the representation of the Indian Christian community.

Now, as regards the Buddhist community, the Government themselves admitted that they recognised the importance of the Buddhists

as a community from the fact that the Buddhist community is represented in the Legislature. Now, if the community is thought good enough for representation in this Legislature, why should not the community be thought good enough for representation on a much lower body, namely, the Corporation of Calcutta? I think, Sir, that the Government may as well show these small mercies in such matters, and at least have the good sense to accept a very very modest amendment that has been moved, namely, that of the 4 seats that are available for nomination, two might be earmarked at this stage, just now on the floor of this House, for the two important minority communities referred to. I hope, my fellow-councillors will brush aside the dangerous logic imported into our discussion by Khan Bahadur Naziruddin Ahmad, so that the sins of the proposers of one amendment might not be visited upon the proposers of other amendments.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I do not think it necessary for me to reply, because Government case has been put up by my friend Mr. Suhrawardy.

Mr. PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*) as amended, for paragraphs (*i*) and (*ii*) including the proviso thereto, the following be substituted, namely:—

"(*i*) One Councillor to represent the Buddhist community;

(*ii*) one Councillor to represent the Indian Christian community."

The House divided:—

AYES—19.

Banerjee, Rai Bahadur Keshab Chandra.
Barua, Dr. Arabinda.
Bose, Rai Bahadur Manmatha Nath.
Choudhury, Mr. Moazzemali.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Dutta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Pal Choudhury, Mr. Ranajit.
Roy, Mr. Amulyadhan.
Sanyal, Mr. Sachindra Narayan.
Sarker, Rai Sahib Indu Bhusan.
Sinha, Rai Bahadur Surendra Narayan.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES—31.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Khan Bahadur Rezzaqui Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hosain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.

Karim, Khan Bahadur M. Abdul.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Ross, Mr. J. B.
Roy Chowdhury, Mr. Krishna Chandra, O.B.E.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.

(The amendment was lost.)

Mr. HUMAYUN KABIR: Sir, I want to make certain alteration, because there is a little mistake in the printing of the amendment which I propose to move now. I want to move that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*), as amended by the Council, after the word "Government" the following be inserted, namely, "of whom two shall be women, one being a Muslim and the other a Hindu".

Sir, there is a certain difference between the amendment which I am moving and the other amendments of a similar type which have been moved before, and I think the remarks of my hon'ble friend Khan Bahadur Maulvi Muhammad Ibrahim is in itself proof that there is a certain distinction between those amendments which have been moved earlier and the one which I am moving. I want only that out of the 4 nominated seats, two shall be reserved for women, one being Muslim and the other a Hindu, and with regard to the other two nominations I say nothing whatsoever; nor do I say anything about the different sub-clauses there which seek to give protection to minorities or special interests or labour. All these I leave to the discretion of the Government, even though I have said before that the discretion of the Government should be fettered as far as possible. The only fetter which by this amendment I seek to impose upon the Government is that there shall be two nominated women councillors in the Calcutta Corporation. That is not, Sir, all that I intend to do. I have other amendments by which I also want that two women shall be returned by special women's continuencies so that we can be sure of there being at least four women in the Calcutta Corporation, and it may be that other women also will come from the General constituencies. Therefore, Sir, all that I seek to provide is,—if both the amendments are carried, one which I am moving now and the other one which I shall move at a later stage,—that there should be at least four women in the Calcutta Corporation of whom two shall be Hindus and two shall be Muslims. I need not go into details about the arguments in favour of the representation of women in civic administration.

The general principle of women's representation has been accepted with regard to the Provincial Legislature, because many questions arise there which specifically relate to women's sphere. I think that the arguments which have been used in order to give women representation in the Provincial Legislature apply with far greater force in

the case of the civic administration of a city like Calcutta, because in a civic administration we are concerned primarily with sanitation, education, arrangements for lighting, drainage, and other amenities of the communal life and it is a generally-recognised fact that these aspects of household life are a special charge of women. In other countries, we find that women are represented in larger numbers on the civic administrations than on the general political bodies which govern the destinies of those countries. Therefore, the case for representation of women on the civic body is far stronger than in the case of a Provincial or a Central Legislature. Since the principle of representation of women on legislative bodies has been accepted, there is no reason why it should not be accepted in the case of representation on the Calcutta Corporation, and I appeal to the common sense of the House, in which, as I have said before, I have great faith, that they ought to provide that two women shall be nominated to the Calcutta Corporation. With these words, I beg to move that Government should support this amendment which will ensure that there will be at least two women councillors on the Calcutta Corporation, one being a Muslim and the other a Hindu.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*) as amended by the Council, after the word "Government" the following be inserted, namely:—"of whom two shall be women (one being a Muslim and the other a Hindu)".

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, as nobody seems to be desirous of speaking on this amendment, I beg to oppose the amendment.

Mr. NARESH NATH MOOKERJEE: Sir, on behalf of the Congress Group of this House I just wish to accord my fullest support to the amendment. I wish to point out that perhaps Mr. Kabir has been emboldened to move this amendment by the support that our friend Khan Bahadur Maulvi Md. Ibrahim has given to all measures that we have brought forward in this House on the question of the representation of women on the Corporation. I hope that at least on this occasion he will rise to the occasion and support the amendment actively and we also hope that Government as well as the European Group who are here not merely as pillars of Government but are also supposed to be upholding all just and right causes, will also support us on this occasion.

The Hon'ble Mr. NALINI RANJAN SARKER: I formally oppose the motion.

Mr. PRESIDENT: The question before the House is the amendment of Mr. Humayun Kabir that in sub-clause (2) of clause 3 of the Bill, in the proposed clause (*b*) as amended by the Council, after the word "Government", the following be inserted, namely:—"of whom two shall be women (one being a Muslim and the other a Hindu)".

(Before announcing the result of the division.)

Mr. PRESIDENT: I understand that Rai Bahadur Radhica Bhusan Roy is unable to go to the lobby to record his vote. Are you, Rai Bahadur, willing to take part in this division?

Rai RADHICA BHUSAN ROY Bahadur: I am willing to do so, but I am unable to move.

Mr. PRESIDENT: Then you can tell me whether you will vote for or against this amendment.

Rai RADHICA BHUSAN ROY Bahadur: I will vote for the amendment, Sir.

The House divided.

AYES—22.

Banerjee, Rai Bahadur Keshab Chandra.
Barua, Dr. Arabinda.
Bose, Rai Bahadur Manmatha Nath.
Chakraverti, Mr. Shirsh Chandra.
Choudhury, Mr. Moazzemali.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Dutta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Pal Choudhury, Mr. Ranajit.
Roy, Mr. Amulyadhan.
Roy, Rai Bahadur Radhica Bhusan.
Sanyal, Mr. Sachindra Narayan.
Sarkey, Rai Sahib Indu Bhusan.
Sinha, Rai Bahadur Surendra Narayan.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES—31.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Khan Bahadur Rezzaqul Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hossain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Karim, Khan Bahadur M. Abdul.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Ross, Mr. J. B.
Roy Chowdhury, Mr. Krishna Chandra, O.B.E.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.

The amendment was negatived.

Raja BHUPENDRA NARAYAN SINGHA Bahadur, of Nashipur: I beg to move that in sub-clause (2) of clause 3 of the Bill, in paragraph (i) of the proposed clause (b), before the words "to secure", in line 1, the words "not more than one councillor" be inserted.

Sir, the Bill proposes that 4 councillors should be appointed by the Provincial Government to secure the association with the municipal administration of persons specially fitted, in the opinion of Government, for appointment as councillors. My idea is that there should be one councillor only and not more than one. Out of 4 nominated members I think one is quite sufficient for the purpose.

Mr. PRESIDENT: Amendment moved: that in sub-clause (2) of clause 3 of the Bill, in paragraph (i) of the proposed clause (b), before the words "to secure", in line 1, the words "not more than one councillor" be inserted.

The Hon'ble Mr. NALINI RANJAN SARKER: I formally oppose the amendment, Sir.

Mr. PRESIDENT: The question before the House is: that in sub-clause (2) of clause 3 of the Bill, in paragraph (i) of the proposed clause (b), before the words "to secure", in line 1, the words "not more than one Councillor" be inserted.

(The amendment was negatived.)

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that in sub-clause (2) of clause 3 of the Bill, in the proposed clause (b) (ii), after the word "minorities", the words "or interests" be inserted.

It is a very simple thing, Sir. I would like to add the words "or interests", because besides minorities, there may be other interests who may want representation.

Mr. PRESIDENT: Amendment moved: that in sub-clause (2) of clause 3 of the Bill, in the proposed clause (b) (ii) after the word "minorities" the words "or interests" be inserted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I formally oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (2) of clause 3 of the Bill, in the proposed clause (*b*) (*ii*) after the word "minorities", the words "or interests" be inserted.

(The amendment was negatived.)

Mr. PRESIDENT: The next amendment stands in the name of Mr. Humayun Kabir, but we will take it up to-morrow.

The House now stands adjourned till 8 a.m. to-morrow.

Adjournment.

The Council then adjourned till 8 a.m. on Friday, the 16th June, 1939.

Members absent.

The following members were absent from the meeting held on the 15th June, 1939:—

(1) Mr. Humayun Reza Chowdhury.
(2) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(3) Khan Bahadur Muhammad Asaf Khan.
(4) Begum Hamida Momin.
(5) Rai Bahadur Satis Chandra Mukherji.
(6) Mr. H. P. Poddar.
(7) Mr. Nagendra Narayan Roy.
(8) Khan Bahadur M. Shamsuzzoha.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, on Friday, the 16th June, 1939, at 8 a.m., being the twentieth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Adjournment motion.

Mr. PRESIDENT: The House will take up the adjournment motion of Mr. Kamini Kumar Dutta.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I submit one thing, Sir? In view of the fact that references may be made to the correspondence that passed between you and the Government on the question of the Library, would it not be better or advisable if the Deputy President took the Chair to-day?

Mr. PRESIDENT: I have not been able to follow you; will you please repeat?

The Hon'ble Khwaja Sir NAZIMUDDIN: What I was saying, Sir, is that in view of the correspondence that has taken place between you and the Government on this subject, won't it be advisable if the Deputy President took the Chair?

Mr. PRESIDENT: I have nothing to do with the discussion of to-day's adjournment motion. I have really much to say on this matter but when this motion has come as an adjournment motion, the Chair will take no part in the discussion.

Khan Bahadur ATAUR RAHMAN: Won't we take up questions to-day, Sir?

Mr. PRESIDENT: No, questions will not be taken up as the adjournment motion was specially fixed for being taken up first thing to-day.

Mr. Kamini Kumar Dutta will now move his adjournment motion.

Mr. KAMINI KUMAR DUTTA: I beg to move that this Council do now adjourn to discuss a definite matter of urgent public importance, namely, the unsatisfactory reply given yesterday by the Hon'ble Home Minister in answer to supplementary questions relating to the control of the Library of the Legislature and the Government's deliberate transfer of such control of the Library from the Legislative Department to the Legislative Assembly, ignoring the claims of this House to an equal share in its control with the full knowledge that the Government of India Act, 1935, provided for two Houses of Legislature for the province of Bengal.

Mr. PRESIDENT: I would like to inform the hon'ble members that under section 109 of our Rules and Standing Orders, no speech during the debate on an adjournment motion shall exceed 15 minutes in duration and there is to be no right of reply for the mover. Hon'ble members would do well to bear this in mind.

Mr. KAMINI KUMAR DUTTA: Sir, in moving this motion I must first of all make quite clear the object with which I have tabled this motion for adjournment of the business of the House. It is not with a desire to pass a vote of censure on the Ministry that this motion has been sponsored; it is really meant to draw the pointed attention of the House to the fact that the privileges of this House are being ignored, that the rights of this House in the matter of the control of the Library and other connected matters are not being respected and incidentally to give an opportunity to the Government to explain what they have got to say on this question.

Now, Sir, first of all I should say that there appears to be some sort of misconception as to the status of this House. It appears as if an impression has gone abroad that this House is a sort of useless appendage to the Assembly, which really it is not. The Library was, before the inauguration of the present bicameral Legislature, under the control of the Bengal Legislative Council, and I must say that both the Chambers—the Bengal Legislative Council and the Bengal Legislative Assembly—are the successors in interest jointly of the old Bengal Legislative Council. In this connection, it will be useful to refer to section 60 of the Government of India Act, 1935. In Chapter III, under the caption "Constitution of the Provincial Legislature", section 60 lays down that "there shall for every province be a Provincial Legislature which shall consist of His Majesty, represented by the Governor, and in the Provinces of Madras, Bombay, Bengal, the United Provinces, Bihar and Assam, two Chambers and in other Provinces, one Chamber. Where there are two Chambers of a Provincial Legislature, they shall be known respectively as the Legislative Council and the Legislative Assembly and where there is one Chamber,

the Chamber shall be known as the Legislative Assembly." So, the Government of India Act has provided that for every province there shall be a Provincial Legislature; only in some of the provinces provision has been made for two Chambers. But in every province the Legislature is one. In sub-clause (2) of the same section, it has been made quite clear that where there are two Chambers of a Provincial Legislature, they shall be known respectively as the Legislative Council and the Legislative Assembly. So, under the provisions of the Government of India Act itself, both these Chambers constitute a Legislature,—the Provincial Legislature. In his view of the matter, certainly both these Chambers have stepped into the shoes of the old Bengal Legislative Council and as such we are both equally the successors in interests of the old Bengal Legislative Council. The Government of India Act does not contemplate two Legislatures. The Act definitely says there shall be only one Legislature—one Provincial Legislature consisting of two Chambers. So, in all matters regarding the Provincial Legislature, it automatically follows that both the Chambers must have control, and joint control, over all affairs concerning the Legislature except in regard to matters of making laws for which, however, due provision has been made in the Act itself. Now, after considering the provision of the Government of India Act, 1935, regarding the constitution of a Provincial Legislature, no doubt can be left in the mind of any one as to the control of the Library of the Legislature or to the control of the buildings and other matters. In all these matters, both Chambers must have joint control and both Chambers must be considered to constitute the Provincial Legislature for this province. Now, Sir, this Library before the inauguration of the new Constitution was under the control of the Bengal Legislative Council; it has since been transferred to the control of the Legislative Assembly. Now, it is very curious and also very difficult to comprehend how with the inauguration of the new Constitution, the control of the Library could be transferred only to one of the Chambers, namely, the Legislative Assembly. Naturally, it was to be assumed that all control which was with the old Legislative Council would vest in the Provincial Legislature which consists of two Chambers under the new Act. But, as I have said, it really passes our comprehension,—and it seems really opposed to the ordinary sense of justice and equity,—how the control of the Library or the control of other affairs should pass to the control of one of the Chambers only, namely, to the Legislative Assembly. In reply to my question and in reply to the supplementary questions arising out of the answers given by the Hon'ble Home Minister the point was not made very clear as to how the control could pass over to one of the Chambers only. My question was: Whether the Hon'ble Minister in charge of the Home Department would please state what steps have been taken for providing the Bengal Legislative Council with a Library of its own. The

answer to this was: "A reference is invited to the answer given to question No. 151 asked by Khan Bahadur Rezzaqul Haider Chowdhury on the 2nd May, 1939." The question asked by the Khan Bahadur on the 2nd May, 1939, in respect of the matter was: "Will the Hon'ble Minister in charge of the Home Department be pleased to state as to what decision has been arrived at in regard to the independence or joint control of the Library of the Council?" The answer was a very short and laconic one. The Hon'ble Home Minister said: "The matter which is inter-connected with the question of the building accommodation for the Legislature is still under consideration." And even after the lapse of two years, Sir, it is only under consideration! This was the reply given by the Home Minister on the 2nd May, 1939. It appears from the reply given to my question that "pending settlement of a permanent arrangement, the control of the Library was vested in the Speaker of the Bengal Legislative Assembly with effect from the 1st April, 1937, and instructions were issued to the Bengal Legislative Assembly Department to the effect that the Library and the services of the Librarian and his staff should be placed at the disposal of the members of the Bengal Legislative Council in the same manner as in the case of the members of the Bengal Legislative Assembly."

Sir, it is not merely a question of convenience or inconvenience of the members of the Council. It is a question of our privilege; it is a question of the prestige of the House, it is a question of the privilege of the members of the House as to in whom the control of the Library ought to vest. As I have already said, the matter is awaiting final decision for a long time. It would appear from the proceedings of the Council that even so far back as the month of February, 1938, the whole House unanimously expressed the desire that the control of the Library should pass to both the Houses and that there ought to be a joint committee appointed for the control of the Library. It would further appear from the series of correspondences which did pass between the President of this House and Mr. Gilchrist, the Reforms Commissioner, and also the Hon'ble the Minister in charge of the Home Department on various occasions that this question was sought to be tackled, but the only reply forthcoming was that it was pending consideration still. Now, looking to the precedents followed in other countries where there is the institution of bicameral Houses, we find that so far as Britain is concerned, of course the two Houses there are quite rich and have got their separate Libraries. In respect of the Canadian Parliament, and other overseas Dominion Parliaments, we find that there is a Joint Library for the two Houses. In respect of the Australian Federal Parliament, we find also that not only the Library attached to this Parliament but the appointments thereto are under the President of the Senate and the Speaker of the House of Representatives jointly and there is also a Joint Library Committee. And indeed, in respect of

New Zealand also, there is a Joint Library Committee and a similar principle is followed. In respect of the Union of South African Parliament also, there is a Joint Library Committee. But what do we find here? I will just take for illustration one of the books, a book which originally bore the seal of the Bengal Legislative Council but now bears the mark of the Bengal Legislative Assembly. (Khan Bahadur NAZIRUDDIN AHMAD: Horrible!) Of course, it may not appear to be horrible to the hon'ble member whose mind may be obsessed with some other reason, but one who really feels some sort of self-respect in being a member of this House would not certainly like to see such usurpation of the rights that legitimately belongs to this House. I refer only to the question of control and the book which was under the control of the Bengal Legislative Council certainly would bear on its face the seal of Bengal Legislative Council. Was there any reason for putting that Assembly seal here? The book certainly does not belong to the Bengal Legislative Assembly so long as it cannot be said that it has been finally decided that the control of the Library should pass over to the Bengal Legislative Assembly. So, I think the matter is so very plain and so very clear that it requires no further delaying and steps ought to be taken for having some clear decision as to the control of the Library.

(At this stage the hon'ble member reached his time-limit.)

Mr. PRESIDENT: You may speak for one minute more.

Mr. KAMINI KUMAR DUTTA: Thank you, Sir. I think I have already said at the beginning that this is a matter which deserves a full discussion in the House and my object in bringing forward this motion is to give an opportunity to the Ministry to explain the situation and to let the House know what steps they are going to take about the future control of the Library.

Mr. PRESIDENT: Motion moved: that the Council do now adjourn to discuss a definite matter of urgent public importance, namely, the unsatisfactory reply given yesterday by the Hon'ble Home Minister in answer to supplementary questions relating to the control of the Library of the Legislature and the Government's deliberate transfer of such control of the Library from the Legislative Department to the Legislative Assembly, ignoring the claims of this House to an equal share in its control with the full knowledge that the Government of India Act, 1935, provided for two Houses of Legislature for the province of Bengal.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I am really thankful to the Leader of the Opposition for tabling this motion. In fact, whatever Mr. Kamini Kumar Dutta speaks about, he invests the same

with sincerity and with honesty. If we have differed from him on any occasion, it is not due to any want of respect for his opinion or the sincerity with which it is expressed. Indeed, it makes us always very happy to agree with him, and this is one of those happy occasions when we find ourselves in agreement with him. We always think that the Library is a very important part of the Legislature, and as such there could be no doubt that the Library should be under the joint control of both the Houses. It is really a matter of extreme importance and I am disposed to consider the question from a much bigger angle, namely, the utility of the Upper House. Somehow or other, this question is looming rather large before the House as well as outside, under various names. I would submit that there is an impression abroad, a very loose impression though, that the Upper House is an unnecessary House. But a proper study of the question based on the experience of various other countries would show that the Upper House is a very necessary House functioning as it does as an important corrective to legislations passed on gusts of passion and excitement.

Dr. RADHA KUMUD MOOKERJI: Where is the correction here? Give an example of correction.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, we have made corrections. If the hon'ble member will try to remember, we made many corrections in the Bengal Tenancy (Amendment) Bill. Sir, it is not by exercising our right of control on any and every occasion that we should seek to justify our existence. The importance of this House is based on interference in a revisional way on occasions when it is felt to be necessary. In fact, the greater the restraint shown by this House in matters of revision and in matters of correction, the greater would, in my opinion, be the importance of this House. I believe that disposes of, in one word, the kind interruption of my friend Dr. Radha Kumud Mookerji. In fact, I was trying to agree with him, but my friend would try to make capital out of anything and everything. He would not allow this side of the House even to agree with him. (Laughter.) Whatever this side of the House will do, he will differ from it. (Mr. RANJIT PAL CHOUDHURY: Question.) You need not question the point. It can be proved from the proceedings of the House. The hon'ble gentleman some time ago advocated in a very loud tone that no officer of Government, Ministers and others who are public servants, should receive a salary of more than Rs. 500 per month. In fact, Sir, he repeated this doctrine of his before the House on many an occasion. He made it absolutely clear that if left to himself he would never accept anything more than Rs. 500, but as my friend Mr. Kader Baksh said yesterday, the hon'ble gentleman preaches one thing and practices something different when his personal interest is concerned. However, I would not pursue this irrelevant matter any more. I was drawn to it by repeated interruptions from the other side.

Sir, I submit that the subject-matter of to-day's adjournment motion is related to a broader question, and that is the utility of the Upper House. In fact, wherever there has been provincial autonomy or something of political importance given to a country, the Upper House has been felt to be an absolute necessity. I need not within the short time at my disposal refer at length to the various authorities. It is enough for me to refer to the experiment in various countries, such as, England, the United States, Canada and many other places. The uniform experience in those countries where unicameral Legislatures obtain, shows that they are fraught with the gravest dangers. In fact, when we talk of abolishing the Upper House, we are apt to forget that we are likely to lapse into abnormality if left to ourselves without any check. An Upper House with a corrective machinery has always been found to be necessary to check undue excitement and undue activity on the part of the Lower House. It serves as a brake, a safety device, to preserve the interest of the State It is common sense to realise that the more you put speed power in a motor, the greater will the safety devices be required. And an Upper House, very active, very vigilant, but at the same time full of restraint, would serve as the much-needed brake to the impetuosity of the Lower House.

Mr. RANAJIT PAL CHOUDHURY: Come away from the Coalition Party it you want to do that. You cannot do that from that side.

Mr. PRESIDENT: Order, order.

Khan Bahadur NAZIRUDDIN AHMAD: In fact, the question should be, as I have submitted already, looked at from this broader angle. If we assume that the Upper House is not a necessity, then the question of Library and various other things which are arising from time to time in connection therewith would be absolutely unimportant; but I do think that the Upper House is a necessity. I should like at this stage to quote the remarks of a very great constitutional authority, namely, Walter Bagehot. He summarises the position in his own characteristic way.

Dr. RADHA KUMUD MOOKERJI: It is an antiquated book.

Khan Bahadur NAZIRUDDIN AHMAD: I think, Sir, there is considerable wisdom in antiquated books. Books which are of recent origin and specially those written by the hon'ble gentleman do not bear the stamp of high authority. Bagehot says, "With a perfect Lower House, it is certain that an Upper House would be scarcely of any value. If we had an ideal House of Commons perfectly representing

the nation, always moderate, never passionate, abounding in men of leisure, never omitting the slow and steady forms necessary for good consideration, it is certain that we should not need a higher Chamber. The work would be done so well that we would not want any one to look over or revise it. And whatever is unnecessary in Government is pernicious. But though, beside an ideal House of Commons, the Lords would be unnecessary and therefore pernicious, beside the actual House of Commons, a revising and leisured Legislature is extremely useful, if not quite necessary." I think that will at once establish the great proposition which I was trying to place before the House, namely, that the Upper House is a necessary part of the Provincial Autonomy. Considering the matter from this point of view, I should think that the question of the control of the Library is extremely important and this House should try to assert itself in getting joint control over the Library. In fact, it goes straight to the very utility of the House and the privileges of the House. It should be regarded not merely as an adjournment motion, but rather as a question of the privilege of the House and I have already submitted that I have great pleasure in agreeing with the hon'ble the mover of the motion. But I am afraid the wording of the resolution has not been quite happy. I think that if the Hon'ble Minister is in a position to satisfactorily explain the position the wording of the motion may require reconsideration. With these few remarks, I beg to express my agreement with the spirit in which the motion has been made.

Dr. RADHA KUMUD MOOKERJI: Sir, I do not like to waste the time of the Council any further on platitudes and generalisations regarding the utility of the Second Chamber. But I wish to take my stand upon the Government of India Act itself. It should be known to the Government of Bengal that the framers of the Government of India Act in their superior wisdom thought that the province of Bengal was a fit sphere where the two-chambered system of Legislature should operate. They gave to Bengal, therefore, one Legislature but with two wings. I may say that the constitution of Bengal may be likened to a bird with two wings. And if an attempt be made to clip one of those wings, the result would be that the bird will not be able to soar at all to those heights of democracy for which it was intended. And, probably, it will be to the satisfaction of some of our friends here or in another place if the bird came down hopping without the capacity for further flight! I am sorry to say that the member who has spoken last belongs to a party with whom we are not always in agreement. I am sorry to say that thanks to the attitude of that party itself the wings of the Upper House have been seriously clipped and it has become incapable of independent flight; that by their consistent attitude they have reduced this Second Chamber to the position of a mere gramophone of more powerful but a "Lower" House! So,

the voice of a lower plane should not be listened to on a higher plane. I am inclined also to submit my position in the form of another image, because I feel that the mind of the Government of Bengal is very obtuse as to the legal facts of the case. I should think that our constitution may be likened to a family of twins. The question is: who is the elder brother? The Government of India themselves have laid down a carefully-prepared scheme of rank and precedence. The Hon'ble the Home Minister could not but admit that the Upper House is entitled to a higher precedence—that a higher rank has been given to the Upper House. If so, I do not see how and by what kind of logic he has persuaded himself that it would be right to give precedence to the Speaker of the Assembly and lower the dignity of the Hon'ble the President of the Council.

Mr. PRESIDENT: Is it necessary to compare this House with the other House? You can make out your case without reference to the other House.

Dr. RADHA KUMUD MOOKERJI: Sir, the vital part of my argument is this: that this House must be recognised as an organic part of the same system and, therefore, I cannot think of the one without the other. Now, according to the wording, I should say, the very careful wording of the adjournment motion, the first point brought out is that the motion raises a matter of urgent public importance. Sir, the subject of this motion is really a matter of urgent public importance on the ground that the Government of the day are found to be launching an invasion against the rights of the Second Chamber. They are really trying to violate the Government of India Act itself by the step that they have taken. My second point is this: What are the violations of the privileges of the Upper House that have been already attempted by Government? When the new Constitution was started in Bengal there was only one House. Now, I know very well that the Ministers are organically related to another place. If they come here, they come here as spectators, I should say, to lend dignity to this House. But I feel that they cannot naturally admit that they are an organic part of this Chamber, and, therefore, what has happened? The previous Government once had decided that the whole building should be called the Legislative Chamber in accordance with the spirit of the Government of India Act, 1935, but very soon we find that surreptitiously a change has been introduced, namely, that this Legislative Chamber should no longer be called the Legislative Chamber, but should be dubbed as the Legislative Assemly House. I do not see how this change can be made. To whom does this House belong? That is the primary question. The very foundation on the basis of which this Council can function, that physical foundation is lacking and I almost

do not know on whose ground we are standing. We cannot claim any part of the building as our own. It has been frankly decided with the tremendous authority of the Home Department that this Legislative Chamber is to be re-named as the Legislative Assembly House. That is No. 1 outrage upon the Government of India Act.

Now, in the same spirit further evils have been multiplied. As regards the Library, the Government of the day, who were responsible for inaugurating this Constitution, in their superior wisdom decided that the Library which belonged to the Legislature as a whole should naturally be administered by a joint committee of both Houses. And so far as my information goes, this arrangement of the old Government was ratified or perhaps initiated by no less a person than His Excellency Sir John Anderson. I understood at that time that there was a very clear order on the subject which had emanated from the Governor of the Province himself. However, I hope that the Official Secrets Act does not operate here and I speak subject to correction, but I hope my memory does not fail me. I remember that somewhere it was stated that there was a definite order on the subject whereby it was understood that the Legislative Department of the Government should be the authority which should control the common affairs of both the Houses.

The Hon'ble Mr. NALINI RANJAN SARKER: And that should be decided by the Governor.

Dr. RADHA KUMUD MOOKERJI: I am prepared to face any amount of interruption. But I put it to the Treasury Bench categorically,—if my memory does not fail me,—whether there was not a definite order passed by Sir John Anderson at the time of the transition and whether the Government of the day did not think, firstly, that the House should be called the Legislative Chamber and, secondly, that the common concerns of both the Houses should be administered by the Legislative Department of the Government before a final settlement could be made jointly between the two Houses. So, Sir, my information is that in pursuance of that excellent arrangement the control of the Library was to be handed over to the Legislative Department and if that arrangement was to be departed from, then the necessary consequence would be that the control of the Library should vest in a committee to be set up by both Houses. My friend, the Deputy President, enquires by whom this change in the name was introduced I may say that originally the name was to be the Legislative Chamber, but I do not know who are the culprits who changed the name later on.

(There were further interruptions by the Deputy President in a low tone.)

Mr. PRESIDENT: Order, order. The hon'ble member must address the Chair and not reply to questions asked in an under-tone.

Dr. RADHA KUMUD MOOKERJI: I do not know exactly who the culprits were, but the fact remains that at present this great building is called the Legislative Assembly Building. My friend the Deputy President again suggests that it might be called the Council Building. But, Sir, who is going to do so? Is the Government prepared to do that?

My third point is this: Who was the real authority responsible for this strange arrangement by which the control vested in the Legislative Department of the Government which should really be the competent authority to deal with the common concerns of the Legislature was shifted to the Speaker of the Assembly? I do not see how this arrangement was departed from and how the control of the Legislature during the transition period automatically vested in the Speaker of the Assembly. If any departure from the old arrangement has to be made, I think it should be made in favour of the Council and not in favour of the Assembly. Because, the executive head of the Council has under the Government of India Act certainly an undisputed precedence over the august personages of another place. And, therefore, I stand up not merely for the status and dignity of the Second Chamber but I stand up for the provisions of the Government of India Act themselves and I feel that the order of ranking that has been laid down by the Government of India Act has been violated, flouted and trampled under foot. I want to know who these people are and what authority they have for this departure. Even during the transitional arrangement, I think the benefit of doubt should have been given to the Council and should not have been passed on to another place.

Now, Sir, as regards the precedents on the subject, wherever in any country there are two Chambers functioning, the convention has been followed that in all matters of common concern there should be a common or joint control. Sir, I am not a believer in Dyarchy or in any kind of divided responsibility or authority. But here two kinds of questions crop up. I do feel that the two Houses should be placed on a similar footing and members of the Legislature as a whole should have equal rights as regards the use of the Library. For instance, because the Library is under the executive control of persons who are not functioning at this very moment, therefore we are without facilities for the use of the Library. Granting that there may be facilities, I am thankful for such small mercies that may be shown to us, but I find that when the executive control of the Library has passed beyond our hands, we have been reduced to the position of beggars and supplicants. Of course, we can apply for books but we cannot have them as a mere matter of right. Sir, I have no desire to embitter the relationship that exists between the two Houses which should be always cordial

and smooth. But I do hope that Khan Bahadur Naziruddin Ahmad will act up to his conviction as regards the usefulness of the Council for supplying corrections and putting a brake upon the process of legislation sent up from the other House—as indeed we have from time to time supplied a correction notably in the case of the Calcutta and the Suburban Police Act. But I do hope that under Khan Bahadur Naziruddin Ahmad's inspiration and direction, the Upper House should be able to assert itself fully as a House of correction where errors of the other place might be liberally corrected. I shall further put him to the test on his own showing as to how he deals with the very controversial legislation which we are now discussing. As I have already said, Sir, I have no desire to embitter the relationship that exists between the two Houses but I do hope that the Hon'ble Home Minister will be pleased to show some consideration for our feelings and our sense of the status and the dignity of this House and make amicable arrangements whereby the control of the Library even as a tentative measure could be at once vested jointly in both Houses. That is my only prayer to Government and I have no desire to embarrass the Government in any way.

Mr. H. C. A. HUNTER: Sir, I rise to support the motion of the hon'ble member, Mr. Kamini Kumar Dutta.

We seem to be faced with the possible alternatives of either a separate library for each Chamber or a joint library for both; and in the latter event whether under the control of one Chamber, or under the joint control of both Chambers, or under the Legislative Department, where control of the joint library is in the hands of one Chamber. Hon'ble members of the Council feel that the position is unsatisfactory as their needs are insufficiently served. They also feel that their prestige is prejudiced in having no voice whatever in matters of administration and control. The scheme of joint control of the library had been recommended by the Privilege Committee of the Council, but this has not yet been given effect to. I would add a further suggestion with the object of facilitating the implementation of the Privilege Committee's recommendations, *viz.*, that the Joint Committee be under the chairmanship in alternate years of the Hon'ble President of this House and of the Hon'ble Speaker. If this suggestion is found impracticable, I make the further alternative suggestion that the Hon'ble President, the Hon'ble Speaker and the Hon'ble Home Minister should form a deputation to wait on His Excellency the Governor to discuss whether some arrangement on these lines can be amicably come to, failing which the transfer of the Library to the Legislative Department, as has been done in the case of the Central Government—be arranged for.

I think we should dismiss at once the possibility of having separate libraries for the two Chambers. While this would no doubt be

convenient, it would constitute an expense which in a financially hard-pressed province like Bengal would be unwarrantable, particularly as it has been found feasible to run joint libraries in the legislatures of the Union of South Africa, Canada, Australia, New Zealand and the United States of America.

The foregoing remarks deal with the actual motion under discussion and I support the motion not because I am not aware of certain difficulties which the Government have had to face, but because the grievance of this Council seems to me a real one and one that affects its prestige. Anything that derogates from the prestige of this House concerns us all very closely, and you may be sure, Sir, of support from all parties in your jealous regard for the dignity of this House.

But important as the subject of the motion may be, I feel that it is merely symptomatic. (Applause.)

I have suggested one or two expedients for the relief of the present ills but I have the feeling that even if the pain is alleviated, the cause of the illness may be overlooked.

I would, therefore, ask your permission, Sir, to explore beyond the seat of the present pain and to try to diagnose the cause. I wish, with your permission, Sir, not merely to assist in prescribing a soothing ointment for the eruption but rather to seek the causes of that eruption and eradicate, if possible, the bacteria which sometimes give rise to inflammations and fevers.

There are other grievances under which this House labours—some trifling, others important; some justifiable, others perhaps not; but all sincere. Arrangements are neglected for such elementary comforts as a cup of coffee—or even, I am told, of a glass of water on one occasion,—while on the other hand, I have heard the opinion expressed on more than one occasion that the dignity of the Council is prejudiced by the fact that none of the Hon'ble Ministers are attached to it.

I regret to have to disagree with those who advocate that Hon'ble Ministers should be permanently attached to this Council; for, their presence in this capacity could not I think have any influence other than to accentuate party feelings which would tend to rob this Council of the detachment it should possess. Rather, I think we should welcome them as honoured and distinguished visitors who, in the course of their crowded days, have already given deep and fruitful thought to the problems which are exercising us.

Whether my view is right or not, there are others who almost feel that the fact that Hon'ble Ministers are not permanently attached to the Council is something in the nature of a slight. Thus, I have seen, even in the short time I have had the honour of a seat here, a certain friction generating, a certain mutual jealousy, which is as deplorable as it is natural.

Indeed, this friction is so natural that it was foreseen and discussed in all the important conferences and reports dealing with the bicameral system—the Montagu-Chelmsford Report, the Simon Commission, the Bengal Committee, the Round Table Conference, and the Joint Select Committee.

In all of these, doubt was expressed as to the desirability of an Upper Chamber and implied further in the White Paper of 1933 and the Government of India Act. In particular, the Simon Commission and the Joint Select Committee drew attention to the danger of ceaseless conflict between the two Houses. So seriously was this considered that provision was made in the Constitution for the abolition of the Upper Chamber, if necessary; and although in all these conferences and reports the potential value of an Upper Chamber was admitted on the grounds of providing a safeguard for justice to minority interests, as a buffer between a Lower House and the exercise of a Governor's special powers, and as a means of attaining some degree of communal conciliation this was rather grudgingly admitted and with the proviso that the functions of an Upper Chamber should be different from those of a Lower House and its powers not co-extensive.

While I think we are right in upholding the dignity of this House by supporting the motion under consideration to-day, I suggest that there also exist other ways by which our prestige can be increased which seem in danger of being overlooked.

Being, as I am, one of the latest comers here, I do not consider myself fully qualified to pass any critical remarks upon this House. But, I submit it is for the very reason that I am a newcomer that I get a more vivid impression of the activities of this House than hon'ble members who have been in politics for many years. And the impression I have obtained is that we devote too much of our time and energy to pettifogging details that should be relegated to another place—to questions and motions relating to provincial events of less than first-rate importance, to matters of mere administration, to verbal and minor amendments to legislation, and to the introduction of private bills, sometimes ill-considered.

In so far as we dissipate our energies in becoming a mere duplicate of another House, in so far as we engage in the struggle for power and office and in the donkey-work of original and detailed legislation, to that extent shall we derogate from our prestige and dignity. And when the time comes for a reconsideration of the desirability of an Upper Chamber, as it may, we may be found wanting and discarded as useless.

At what, then, should we aim?

From a perusal of the documents I have just mentioned—from the Montagu-Chelmsford Report up to the Government of India Act, 1935,

—emerges a picture of the Council as it ought to be—a dignified deliberative body whose value lies in the more impartial consideration and debate of affairs of weight and magnitude, a body in which the influence of party politics is to some extent relaxed, a body to right wrongs, a body whose main functions are to debate on major issues only, a body where friendly exchanges of views are possible and normal and where the edges of communal differences may be smoothed; finally, a court of appeal rather than a court of first instance.

Sir, I have sought to show that to-day's motion is a symptom of a feeling of strain and friction which, I believe, exists and which is natural; that unless other causes of this feeling of friction are removed it will develop with disastrous consequences. I have suggested that some causes of friction may lie in our having a wrong view of our functions, resulting in loss of efficiency and dignity; and finally I have indicated what I believe to be our proper functions. And I am confident that if we confine our activities to these, our prestige and dignity will wax and the title M.L.C. of Bengal become an honoured one throughout India. (Prolonged applause.)

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir, I rise to give my whole-hearted support to the motion so ably moved by my esteemed friend the Leader of the Opposition, Mr. Kamini Kumar Dutta. But at the outset, I would like to congratulate Mr. Hunter, the Leader of the European Group, on the very excellent speech he has delivered just now. He has rightly observed that the dignity of the House should be preserved; he has also rightly observed that the prestige of this House is in danger and is being overlooked by the Government. Sir, this is a question which does not affect any individual member of this House. It does not also affect any group or party belonging to any particular school of thought. But, Sir, it affects the prestige of the whole House. Sir, this a matter in which no one can deny that our prestige has been affected by not giving effect to the resolution passed in this House as far back as February, 1938, on the recommendations of the Privilege Committee. The mover of the motion has cited some references from the Government of India Act, 1935. I am not going into the legal aspect of the question as to whether the control of the immovable property of the old Legislative Council has passed to both the Houses according to the Government of India Act, 1935, or not, but I do stand by the resolution that was passed by this House. It had been said clearly in that resolution that the control of the Library should be vested in both the Houses and that the Library should be managed by members of both the Houses through a joint committee. But I am sorry to find that about one and a half years have passed and yet no action has been taken by Government on the matter. No one can deny that this is too long a time that Government has taken over such a little matter. This

is a small matter and we did not expect that Government will take so much time to give effect to a resolution passed by this House. This is a clear indication that the Government have disregarded the dictates of this House deliberately. This is a most serious charge against the Government. In reply to a question, the other day the Hon'ble Home Minister said that the matter was still under the consideration of Government and that arrangements were being made to give effect to the resolution. But still, Sir, we do not know when effect will actually be given to it, and as time is passing, the prestige of the Government is also at stake. I do not like to put the whole blame on the Government. The blame is ours because we, as members of this House, do not take as much interest to keep up our own prestige as we should do. We should have protested against this state of things long ago but nothing was done in the belief perhaps that our prestige would not be affected even if the Government or any other Minister would not take any action on resolutions passed by this House. This is a matter which one should consider seriously. I would, therefore, appeal to the hon'ble members of this House to see that our prestige is maintained at any cost. They should not be led away by any thought of party affiliations and considerations when the questions of the prestige of the whole House is at stake. As I have already said, the matter does not affect any individual or party but it affects the whole House.

Regarding the constitutional question, the mover of the motion has already cited some instances. In Canada and in all other Dominions, the library has been placed under the control of both the Houses. The only exception is, perhaps England where there are two separate libraries—one for the House of Lords and the other for the House of Commons, because they have sufficient money to spend for two libraries. But as the hon'ble Mr. Hunter has already observed, we have no money to spend upon separate libraries and so we must be satisfied with a joint library. Under the present circumstances and till our financial position improves, we have no other alternative but to be satisfied with one library under the control of both the Houses.

There is one point more to which I wish to refer. In reply to a supplementary question asked by me, the Hon'ble Finance Minister said that in case of difference between the Hon'ble President and the Hon'ble Speaker, the deciding authority would be the Government. But I think, Sir, that it is unfair on the part of the Government to be a deciding factor. As some of the members have already said, in the Order of Precedence laid down by the Government of India Act, 1935, the Hon'ble the President has been given a rank higher than that of the Hon'ble Speaker. As such, it is the President who should preside and his voice should rule and be the decisive factor. If that is not possible, I think a committee should be vested with power to decide this matter if there appears at any time any question of difference

between the two presiding officers in matters relating to the administration of the library. If there be any difference between the President and the Speaker, the Committee should be vested with the power of deciding it finally, and not the Government. Further, Sir, I do not approve of the suggestion of Mr. Hunter about the control of the library. He suggests that the control should be vested in the Speaker and the President alternately. That, Sir, is not a practical suggestion because that method would bring in difficulties. Moreover, when the Warrant of Precedence places the Hon'ble President in a higher rank, I think the last word should be with the President and not with the Speaker. With these few remarks, I support the motion.

Khan Bahadur ABDUL KARIM: Sir, we on this side of the House are particularly grateful to the Leader of the Opposition for giving us an opportunity to give expression to the feelings which have lain pent up for over two years in the hearts of almost all the members of the Coalition Group. It is really with a heavy heart that I rise to speak and have to speak against the Government we, on this side of the House, have consistently and loyally supported in spite of certain material objections that we had from time to time to the passing of measures advocated by the present Ministry. The honourable members of this House will, therefore, readily realise that the sense of disappointment,—I should say, of positive discontent,—is deeper and keener on this side of the House than in any other part of the House, because we have been supporters of Government and we can exclaim with Cæsar "*Et tu Brutus*"! that is to say, "you Government, whom we have supported, it is you who have reduced us to a position which no sane honourable man can bear and put up with." Therefore, the honourable members of this House will realise that we have got almost an irreparable sense of wrong rankling in our hearts. We have now entered upon the third year of our existence as members of the Bengal Legislative Council under the new regime. I make no secret of it now that every now and then as the Leader of the Coalition Party, I have been asked to stand up and revolt against the Government. As a senior man, I asked my party to exercise forbearance and patience and reminded them that God is always with those who have patience, according to the teaching of the Holy Quoran. But, Sir, there is a limit to patience. The present Government have driven discontent under-ground, and this discontent has gone so far deep that there is a likelihood of it exploding from under-ground any moment. And, if in the Upper House, which consists of elders, literally, figuratively and practically, there are symtoms of discontent visible from all sides of the House, the Government might well take note that the danger is not very far ahead. That is an advice, Sir, which as loyal supporters of Government we frankly and without any bad spirit offer to the

Government to consider now seriously. I think that the time has come when every member seeing that indignities have been repeated after indignities, I should rather use the word "disrespect", when disrespect after disrespect has been shown to this hon'ble House, every member of this House should run through the streets of Calcutta crying the Shakespearean slogan:

The raging rocks and shivering shocks,
Shall break the locks of prison gates,
And Phœbus car shall come from far
And make or mar the frowning fates.

The honourable Mr. Hunter of the European Group has characterised this motion before the House as at best a "symtomatic" expression of discontent. But, Sir, knowing the feelings of members of this House more intimately than he does, I will say "no". That is not so. There is something much more serious than symtomatic. We can assume, Sir, that here we are a "houseless" House. Like our Professor of Philosophy who, when he used to come to the class-room, always used to say, "My boys, let us begin from the very beginning." Every day he used to say like that. To start with, here we are members of a "houseless" house; that is to say, we have got no habitation of our own. We are here on sufferance, at the sweet will of the Hon'ble Ministers and the Speaker of the Legislative Assembly. We can hardly reconcile ourselves to this position and we have given expression to that feeling in unmistakable and unequivocal terms condemning this inactivity on the part of Government to provide us with a House. Now, Sir, the question of the control over the library is immediately before us. I presume, in the first place, that the Hon'ble Ministers representing the Government of Bengal have gone through the Joint Parliamentary Committee's Report on Constitutional Reforms. I presume that they have gone through it. I presume that they understand in their hearts of hearts the position of this House though they do not openly recognise it barring a few occasional words of congratulation to the members of the Upper House for their wiser counsel and better experience and all that. I understand that they realise in their hearts of hearts the importance of this House. I presume that they have not forgotten the fact that this House is composed of members, 27 of whom are representatives of the Lower House and 31 of whom are elected by direct constituencies which have got a larger interest in the country and a superior interest too. I presume, Sir, that Government knows the design of the constitutional structure that this House should taper like a cone in which there should be representatives of the Lower House to safeguard the interests of the lower constituencies with the representatives of the Upper House that are returned

directly by the rural constituencies. We cannot imagine for a moment that they are not alive to all these things. Then why this neglect? The impression in the minds of some of the members of my Party is that the present Government, though painstaking, is painfully slow, and if I may be permitted to add, destitute of all sense of proportion. They do not know who is who and what is what. Or else, why, in spite of full knowledge of our status, our position and our importance, they are not taking action in this matter? Sir, I have very often dwelt on the dark side of human nature. In the course of my professional practice, I always had to real with the darker side of human nature, and there is a shrewd suspicion in my mind that it is not because they are slighting us intentionally, but because there is some vested interests somewhere which they would not like to see divested. It is this analysis of the situation that leads me to this conclusion. My friend the Leader of the Opposition said that we are successors in interest,—that is the expression that he used,—the successors in interest of the old Bengal Council. Well, it is true that we are two brothers going to inherit from our late lamented father the Bengal Legislative Council. But the real difficulty to their mind is as to what law of inheritance should apply. Is it the Hindu Law of Inheritance or the Muhammadan Law of Inheritance that ought to apply? That is the reason why the Government cannot decide one way or the other, whether the Muhammadan Law of Inheritance or the Hindu Law of Inheritance should apply as regards the administration of the library fund or the building. My suggestion on that point is this that if the Advocate-General of Bengal is unable to decide that intricate legal question arising out of necessity under the present circumstances in Bengal, my humble suggestion as an old and smaller Advocate-General, of late, of a mofussil district is that the Government may appoint the Minister-in-charge of the Judicial and Legislative Department to be the administrator for the purpose of the control of this library. That is a solution which in my humble opinion I can give for what it is worth, if the Government of Bengal finds it difficult to solve this question. It is only a matter of common sense. My honourable friends on the other side have referred to Canada, New Zealand and all that; we need not leave the shores of India. The solution may be found in common sense. If it is joint property, both the Houses are entitled to use it according to precedence, but the question of precedence is the real trouble, is the real rub. I have offered a solution and it will be for the Hon'ble Home Minister to accept it or reject it. I can ask that the solution of the question may be expedited. Now, Sir, in all probability the Hon'ble Home Minister will say "we are giving our anxious consideration"—a stereotyped reply—, for the last two years and half we have got the same reply. We are dupes of "to-morrow" even from our childhood. Now, things have come to

such a pass that the Hon'ble Minister should be prepared to give us a definite and clear assurance as to the action which the Government propose to take. On this side of the House, we do not wish that the matter should go into the lobby for decision.

Mr. E. C. ORMOND: Mr. President, Sir, after the speech which was delivered by the leader of the group to which I have the honour to belong, it is quite unnecessary for me to make any speech. I am confident, Sir, that that speech will be read hereafter as a classic in relation to the honourable position and the proper aims and objects of this Upper Chamber. There have been other speeches also in this debate which will be referred to, I am certain, in the future with regard. The only object that I have in rising on this occasion is to put on the record of this debate the actual reference to a certain book which I saw in the hands of the hon'ble the mover of this resolution which is entitled "The Journal of the Society of Clerks at the Table in Empire Parliaments," volume V, 1937 edition. For, it may be that the careful information which is collected in that work may be of assistance to those whose duty it will be further to consider the subject matter of this present debate. It will be seen that before that work was compiled careful efforts were made to obtain accurate particulars from the Librarians themselves of the various Parliaments in the various Dominions, and it was pointed out that considerable space had been allotted to this subject, that is the subject of a library. This is volume V of a book on parliamentary constitutional law and legal arrangements, and it is pointed out that considerable space has been allotted to this subject, for although it is not directly connected with the proceedings of Parliament or with constitutional law in its relation to the working of the parliamentary machine, yet the library of Parliament has everywhere been regarded as an important factor in the exercise by Parliament of its legislative and general functions. To statesmen, reference collection kept judicially up to date is as it were the coal which makes the fire burn more bright, and after that introduction reference is given, details are given of the various Parliaments and their libraries in Canada, Australia, New Zealand and the rest. It is not necessary for me to say more or to refer more in detail to that work than to point out that it will be seen that for the Canadian Parliament, the general conduct of the library is under the jurisdiction of Parliament itself acting through a joint committee of both Houses and presided over by the Speakers of the Senate and the House of Commons; and for the Australian Federal Parliament the position is that the library of Parliament and the appointments thereto fall under the President of the Senate and the Speaker of the House of Representatives jointly. The whole matter is referred to from page 166 onwards of that volume, and I need do nothing except associate myself with the speeches which have been made before me.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Mr. President, Sir, I am very grateful to Mr. Ormond for naming those books on constitutional law, parliamentary machinery, library and the rest of it. I am equally grateful to Mr. Hunter for his classical speech on the rights, privileges and dignity of the Upper House and how the friction between the two Houses can be removed, diagnosis of the disease and the rest of it. But, Sir, if I may be permitted to say that when outsiders will read the proceedings of this debate they will think, if I may be permitted to say, that much valuable time of this House was wasted over a matter which could have been settled without this debate by a joint sitting of Opposition leaders, Ministers and the Presidents of the two Houses. Sir, the library is there. We read the books. We are never prevented. We never get any disadvantage in reading the books. The question of control which we are discussing, affects the prestige of the House. Sir, we are grateful indeed for the illuminating discussion that has taken place to-day, and I think, Sir, some members are super-sensitive about the dignity, honour, prestige, glory and the rest of it. I would suggest that Parliament be moved to give us the title of Hon'ble Members, Hon'ble so and so as they have done in the Council of State. That will satisfy us, that will give us a superiority complex over the members of the Lower House. Not simply hon'ble, I should say, we should be styled Right Honourable. The Ministers are called "Hon'ble" and we should go above them and we should be called Right Honourable members of the Legislative Council.

***Khan Bahadur Maulvi MOHAMMAD IBRAHIM:** আমরা Upper House এর মেম্বর। একটা কথা আছে যে "নামে গোয়ালা কাঁজি ভক্ষণ"। গোয়ালার ঘরে জন্ম বটে, কিন্তু দৈয়ের স্বাদ ঘোল দিয়ে ও নয়, কাঁজি দিয়ে মেটাতে হয়। Upper House এর member দেরও ঠিক সেই দশা হোয়েছে। তাদের না আছে একটা নিজস্ব ঘর, না আছে একটা বাড়ী, না আছে একজন মিনিষ্টার। যদি মিনিষ্টার একজন Upper House এর member থাকতেন, তাহলে,—আমার মনে হয়, Upper House এর member দের এ দুর্দ্দশা ভোগ কোরতে হোতে না। আমাদের অনেক সময়ই অনেক এসেম্বিরর মেম্বরদের সঙ্গে দেখা হয়, এবং তারা ঠাট্টা পরিহাসচ্ছলে একথা বোলে থাকেন,—"এই House এর নাম Assembly House, এখান থেকে তোমাদের অনায়াসে তাড়িয়ে দিতে পারি।" একথা ঠাট্টাচ্ছলে বোল্লেও, একটা বস্তুতঃই বোঝা যায় যে তারা এটা উপলব্ধি কোরে থাকে যে আমাদের House এ থেকে, আমাদেরি মেম্বররা মিনিষ্টার নিযুক্ত আছে। সেইজন্য তাদের মেরুদণ্ডের বল আছে। আমাদের মেরুদণ্ডের বল নাই। আমাদের পক্ষে কোন মিনিষ্টার নাই। সেইজন্য আমাদের কথা বলবার কোন লোক নাই। এইজন্য এই হাউসে আমরা বাইরের লোক বোলেই সকলের মনে হয়। আজ লাইব্রেরীর কথা উঠেছে। লাইব্রেরীতে Upper House এর member দের কোন control নাই, কোন অধিকার নাই। এজন্য তারা খুব দুর্দ্দশা ভোগ কোরছে। কিন্তু এ দোষটা মিনিষ্টারদের নয়, Upper House এর মেম্বরদেরই

*Authorised English translation of this Bengali speech will be found in the Appendix.

এ দোষ। তাদের নিজেদের এ দিকে কোন দৃষ্টি নাই। তাদের নিজেদের মধ্যে সম্মিলিত হবার চেষ্টা নাই। তাঁরা যদি সম্মিলিতভাবে তাদের অভাব-অভিযোগ দূর করবার জন্য, তাদের দুর্দশার প্রতিকারের জন্য চেষ্টা কোরতে পারেন তাহলে অনায়াসেই এই সব ত্রুটিগুলি দূরীভূত হোতে পারে।

শুধু লাইব্রেরী কেন, অনেক বিষয় সম্বন্ধেই বলা যায় যে Upper House এর মেম্বরদের কোন জায়গায়ই কোন অধিকার বা ক্ষমতা নাই। এ হাউসের উপর কোন ক্ষমতা তাদের নাই। কেননা এর নাম হলো "Assembly House"; কথা হয়েছিলো উভয় প্রতিষ্ঠানের জন্য এক একটা পৃথক বাড়ী হবে। সে বিষয়েও বলবার অনেক কথা আছে। এই লাইব্রেরী বিষয়ক প্রস্তাবটা যে খুব সমিচীন হোয়েছে এ সম্বন্ধে কারো দ্বিমত থাকতে পারেনা।

Mr. HUMAYUN KABIR: Mr. President, Sir, after the almost complete unanimity which we had in this House over this question it was surprising to listen to the interesting speech of Mr. K. C. Roy Chowdhury, and though I cannot single it out as perhaps the most constructive contribution to the debate this morning, it nevertheless presented a point of view which deserves a certain amount of consideration. Before I attend to the speech which has been delivered by him, I should at the outset like to congratulate particularly Mr. Hunter, the Leader of the European Group and Khan Bahadur Maulvi Abdul Karim for the very fine speeches they have made in this connection.

I cannot say that I agree altogether with the point of view presented by Mr. Hunter. He says that the Upper House is a revising Chamber and he suggests that in acting as a revising Chamber it should not go into the details of legislation. Sir, very often we cannot act as a revising Chamber unless we go into the details, but this is not an occasion for emphasising the difference between the two sides of the House. Rather, this is an occasion for emphasising the point of unity between the different sections of the House. Now, to return to Mr. K. C. Roy Chowdhury. He entirely misunderstood the purport of the resolution, which has received such unanimity of support from all sections of the House—when he says that it is merely a question about the administration of the library. His point seems to be that we can get books to read here or from elsewhere. Why then make a bother over this matter,—over a trifling matter like this? I would only refer to the illuminating remark which fell from the lips of Mr. Hunter that this matter was symptomatic or symbolic of the discontent which, in the words of Khan Bahadur Abdul Karim, has been smouldering in the House and is almost on the point of explosion. And after all—to again use his words—if members of the Upper House explode, what will that explosion lead to? Referring to the speech that was delivered by the Leader of the Coalition Party, I must say that he was a little wrong in presuming too much upon the knowledge and upon the desire of the members of the Treasury Benches to read the report of the Joint Parliamentary Committee or the Rules and Procedure of this House, or of

other public bodies. Apart from this one point, in which he perhaps presumes too much upon the desire of the Government to carry on the administration of the province in a proper manner, I completely agree with him. Only, I would perhaps go a little further and say that though he said that Government was painfully slow, I would add the words that they are not only painfully slow but they are painfully slow-witted; and one reason why they have not been able to take any decision as yet since they came into office two years ago, is because Government is painfully slow-witted, and in the words of Mr. Hunter, this is symptomatic.

It is not only on the question of the control of the Library but in other matters also that the claims of this House have been time and again ignored, and the real point of the motion to-day is that this House is not in a position to carry on its functions properly unless it gets those facilities to which it has a right, and in regard to which matter there is such unanimity from all sections of this House —between Khan Bahadur Naziruddin Ahmad on the one hand and Dr. Radha Kumud Mookerji on the other, who disagree so often but who to-day agree with the spirit of the motion, if not with the wording thereof. Khan Bahadur Abdul Karim, the Leader of the Coalition Party, and Mr. Kamini Kumar Dutta, the Leader of the Opposition, who, again, have disagreed on so many occasions in action even if they do not disagree in words, have agreed with the spirit of the motion to-day. This amount of unanimity has been called into existence because the House feels that it cannot carry on its functions properly unless it gets the rights and privileges to which it is entitled. Time and again, we have found that the rights of this House have been ignored and it is not a question of the ignoration of the rights of any particular member of the House, it is the rights of the House as a whole that have been ignored. And it is because the rights of the House as a whole have been ignored, that there has been such complete unanimity on this motion. Sir, I would conclude by repeating what Khan Bahadur Abdul Karim has said, that we have been dupes of to-morrow time and again. There have been promises of doing something in the immediate future, or to-morrow perhaps, but to-morrows come and to-morrows go by and yet nothing is done. And I repeat once again that unless we can have some definite indication, some definite assurance of what the Government proposes to do in order to restore to this House the control of the Library as well as control in other matters which we rightfully claim but which has been illegitimately taken away from us, the House will not be satisfied.

The Hon'ble Khwaja Sir NAZIMUDDIN: I wish to reply to the debate now, but may I know if I shall be the last speaker?

Mr. PRESIDENT: After you have spoken for 15 minutes, if any other member wants to speak, he may do so.

Mr. LALIT CHANDRA DAS: Sir, before he replies may I make a few remarks to draw his attention to certain law points in this connection? I shall only take 5 minutes.

Mr. PRESIDENT: I am afraid, you cannot do so now as I have already called Sir Nazimuddin.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am in a most difficult position to-day. I have to reply to charges made by the members of this House on a question where sentiments and question of privilege are involved, and where in spite of all the attempts that members may make to be fair and just, they are bound to be influenced by the considerations which I have mentioned. I feel, Sir, that Government have got such a cast-iron case that if they only place the facts before the House and if the House consider them impartially and justly and fairly, then they will be satisfied that there is not the slightest ground whatsoever for any criticism of the action of Government. But before I proceed, I would like to state that apart from the fact that Mr. Hunter, the leader of the European Group, agreed with the mover of the motion, the rest of the speech of Mr. Hunter is one with which I fully agree. And there is no doubt that if what Mr. Hunter has stated in his speech is accepted and acted upon by the members of this House, there will not be any cause of complaint or friction.

But unfortunately there are one or two members who hold diametrically opposite views and will continue to foster views which have been one of the causes of this feeling of dissatisfaction in this House. I feel, Sir, that if we compare what is happening in other provinces where there are Second Chambers and where those Second Chambers have got no Ministers drawn from the Second Chamber or where the Chambers have not got a separate building of their own——

Mr. PRESIDENT: Order, order. May I correct the Hon'ble Minister that there is no other province in India where there is a Second Chamber without a building of its own.

The Hon'ble Khwaja Sir NAZIMUDDIN: There are Second Chambers which have got no Ministers drawn from them and in those Chambers I do not think there is any feeling of inferiority that their privileges have been curtailed. Then the question arises as to why it is that in this House this feeling is being generally given expression to. To-day we have heard a large number of speeches and practically all the leaders of the various groups have spoken on the subject. If the speeches are analysed, it will be found that no one has cited one

concrete case where the privilege or prestige of this House or of the members of this House has been in any way affected. Let me point out first of all as to what is the subject-matter of discussion to-day, namely, the Library and I would appeal to the members of this House that if they would only dispassionately look at this matter and look at it fairly and justly, they will find that they have got no cause for complaint. The question so far as I have been able to understand from the speeches is that the privilege of the members of this House has been affected, because they have not got control over the Library. It is assumed, I believe, that the members of the Legislative Assembly have got some control over the Library which the members of this House have not. But in actual practice, it will be found that so far as members of the Assembly and members of the Council are concerned, they are practically in the identical position. (Cries of "question" "question"). Yes, Sir, I say so; there is not the slightest difference between them. Just in the manner in which an individual member of the Legislative Assembly has got no control over the Library, similarly, members of the Council have got no control over the Library.

It is assumed that the Speaker as representative of the Assembly is there. I think it is an absolutely mistaken notion. We have got to look at it *vis-a-vis* the privilege of the members of the Assembly, and if it can be shown that even in the minutest respect they stand on a different footing, that is to say, that members of the Legislative Assembly are in the slightest way in a more advantageous position than the members of the Legislative Council, I will stand condemned. But I maintain that there is not the slightest difference whatsoever between the privileges and the rights enjoyed by the members of the Legislative Assembly and those enjoyed by members of the Council.

Then, Sir, what is the object of the Library? The object of the Library is that members of both Houses should be able to utilise the Library and have all the facilities for that purpose——

Dr. RADHA KUMUD MOOKERJI: May I rise on a point of order? May I humbly suggest to the Hon'ble Minister that the point raised by this side of the House was not individual rights——

Mr. PRESIDENT: Order, order. That is not a point of order.

The Hon'ble Khwaja Sir NAZIMUDDIN: I maintain that there has been nothing which would in any way prevent or stop any member from having full facilities of using the Library and the books therein. And what is more, how difficult this question is may be seen from the ignorance of facts shown by the members of the Opposition. For example, Dr. Radha Kumud Mookerji has stated to-day: "look at it,

while we are sitting at 8 a.m. the Library is not open." Sir, he was immediately corrected by some hon'ble member who knew better. It only shows, Sir, how grievances are being manufactured. From the very day that the hour of sitting of the Council was changed and altered, as soon as possible, arrangements were made that the Library would open at 8 a.m. and special arrangements were made for members to have full facilities for using the Library. So, I say it shows the ignorance of the members on this subject and also how grievances are manufactured.

Then, a suggestion has been made as to how to manage this matter. It has been suggested that if an amicable arrangement cannot be arrived at, Government should hand over the control to the Legislative Department. Now, as I have maintained, neither the Council nor the Assembly at the present time or so far have had any control over the Library. Government have simply asked the Speaker of the Assembly to hold the administrative control of the Library. And if I have to go over the history of the matter, I should have to take a long time over it, but time is short. But I again repeat that all this trouble has arisen because of ignorance of facts. The old Government decided that this building would be allotted to the Legislative Assembly and at one time it was proposed that a second building should be constructed for the Legislative Council. But ultimately the old Government themselves decided that it would be advisable for the Legislature—the Council and the Assembly—to decide the matter when they came into existence—as to the type of building that would be required and as to whether any separate building would be at all necessary or not. And so, that Government did not go in for a separate building for the Second Chamber. And it may be seen with reference to the reply I gave to Mr. Kamini Kumar Dutta's question that the order allotting this Building to the Assembly was passed on the 1st April, 1937, that is to say, everything was decided beforehand and it was a formal order that was given when the new Government took over charge. These are the reasons why as the Library was in the building of the Assembly, for better facilities of management it was suggested that the Speaker should be the person *temporarily* in control of the Library until some arrangement can be made according to the usual practice by which a committee of both the Houses will have control over the management of the Library.

Now, Sir, I will refer again to what has taken place since the Council passed a resolution that there should be a joint committee of both the Houses pending final arrangement for a separate library, if necessary. It was recommended that the library shall be under the joint control of the Council and the Assembly in order to give proper facilities to all members of the Legislature. Now, Sir, here a mandate was given by the Council. What steps did the Government take?

That is an obvious question. As you know very well, the appointment of a joint committee was a very easy matter. There were no difficulties in that. Government could have brought about a joint committee of the two Houses for the management of the Library without any difficulty whatsoever. The difficult question was as to who was going to be the President of this committee and how the administrative control was going to be carried on. Here, if I may say so, it was necessary to get some kind of amicable arrangement between the Hon'ble President and the Hon'ble Speaker, and naturally Government approached both. The Hon'ble Speaker was quite willing to have an informal discussion with the Hon'ble President and he felt that there will be no difficulty whatsoever in coming to an amicable arrangement over this question. Unfortunately, for reasons best known to him, the Hon'ble President refused to meet the Hon'ble Speaker and discuss the question——

Mr. PRESIDENT: Will you please repeat it?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Hon'ble President refused——

Mr. PRESIDENT: Refused! Will you please read that letter?

The Hon'ble Khwaja Sir NAZIMUDDIN: The letter was this, "I am desired by the Hon'ble the President of the Bengal Legislative Council to inform you that on the recommendation of the Privileges Committee resolutions have already been passed by the Council on the subject, copies of which have been forwarded from time to time to the Home (Constitution and Elections) Department for necessary action. I may add that as this particular question is now in the "seisin" of the House, the Hon'ble President considers that he is not in a position to discuss the question properly with the Hon'ble the Speaker without taking the House into his confidence. I am, therefore, to request you not to await any further communication about the conference referred to in your letter, but to consider the resolutions of the Council forwarded to the Home (Constitution and Elections) Department on their own merits and to expedite the decision of the Government in this matter."

Mr. PRESIDENT: I shall explain the actual position when you have finished your speech.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, if I may be permitted most humbly to submit that for this very reason I had suggested that for to-day's debate it would have been advisable if the hon'ble Deputy President had taken the Chair.

Mr. PRESIDENT: Perhaps the Hon'ble Minister does not know that even when a vote of no confidence is moved against the President, it is the President who presides.

The Hon'ble Khwaja Sir NAZIMUDDIN: Therefore, Sir, I feel that as far as this question was concerned, Government was on the horns of a dilemma. If one might say so without disrespect, the only way in which I could practically express myself what the Government felt was that they were between the devil and deep sea. Here were the Hon'ble President and the Hon'ble Speaker. We had to get their concurrence; indeed, it was the only way in which some amicable settlement could be arranged. On the one hand, one was prepared to discuss and find a solution but the other was not. It was not possible for the Government either to go against the wishes of the Hon'ble President or those of the Hon'ble Speaker. The only thing was to get an agreement and no opportunity was given.

(The Hon'ble Minister at this stage reached his time-limit and resumed his seat.)

Mr. PRESIDENT: As I have announced before, I shall take no part in these proceedings. I will only just reply to the point that Sir Nazimuddin has raised. I can read letters after letters in which I suggested to the Government to come to a decision from the 18th February, 1938, onwards. On this occasion, when this letter was written the matter was in 'seisin' of the Council. When the Council passed a resolution and referred it to the Privilege Committee, at that time I considered myself barred from having any consultation with anybody before the House came to any decision. That is all that I have got to say on the point.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I had no intention to take part in the debate on the question before the House, and I do not think, Sir, I can usefully contribute to the high level of the debate on the motion before us. On hearing the Hon'ble the Home Minister, I am tempted to make a few observations on the various points raised in his speech. In the first place, the Hon'ble Home Minister said that this is a question of sentiment which has prompted the mover of this resolution, Mr. Kamini Kumar Dutta, to bring forward this motion. Sir, I may at once point out that it is not a question of sentiment alone. At the same time, I may remind the Hon'ble Home Minister that sentiments play a great part in human life. As members of Government, they themselves do many things out of sentiment, and there are many instances which I can cite in this connection. The Hon'ble Minister has said that the members of the Upper House and the Lower House have got equal right so far as the library is concerned, but here, Sir,

in the books of the library there is the seal "Bengal Legislative Assembly Library". There is no mention of the Bengal Legislative Council. Then, Sir, there is another question which I should like to point out. The Hon'ble Minister would have done well to cite instances to show that in other provinces where there is an Upper House, it is the Assembly which controls the library. Sir, then with regard to the Council of State an enquiry may also be made as to whether the Council of State, or the Legislative Assembly or the Princes Chamber controls the Library. So far as my information goes, there is a joint committee for the control of the library. I think my friend Khan Bahadur Maulvi Abdul Karim who was a member of the Council of State, may enlighten us on the point.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, it is not necessary for me to make any long speech after all the debate that has taken place on a question which obviously admits of very easy and satisfactory solution. To my mind, the difficulty arose from the fact that somehow or other hon'ble members of this House have got not merely a suspicion, —I am talking generally,—not merely a suspicion but almost a conviction that the Ministers are in a mood to flout the authority of this House and to treat them in a way different from the members of the Lower House. Sir, if any assurance is needed, I give it most unequivocally that the Ministers fully realize the importance of this House and the part which the members of this House play in carrying satisfactorily into effect the legislative measures initiated either in this House or in the Lower House. Whatever may be the difference of opinion as to the necessity or the utility of a Second Chamber, the fact remains that this House is an integral part of the Constitution and the two Houses together form the Legislature of the province. You can no more ignore one House than you can ignore one of the two arms which you possess; and for good or for evil, we have got to get on with the situation that both the Houses have got to be reckoned with in any measure not merely legislative but even administrative which the Ministers may feel compelled to undertake.

Regarding the matter now under discussion, I may tell the House that Government have always been ready to let the Library be managed by a joint committee of the two Houses in any manner which may be felt satisfactory by both the Houses. It is no use trying to whittle down the importance of either House. The members of both the Houses have got an equal right to the Library until and unless we can have a separate Library for the members of this House. It is very seldom that the books of the Library are used—I mean no disrespect. We are so much taken up with making speeches in this House that we find very little time for any kind of study. It is only an academic discussion in which we are engaged. I had the curiosity to look into the

book issue register and I found, Sir, very little time had been given by members of either House for the purposes of study of the very precious literature that is stored up in the other room. It is only a question of sentiment. The House may feel insulted if they have no hand in the management of the Library. The best solution therefore would be for a joint committee to control the management of the Library, it being definitely understood that members of both the Houses have got equal right to the use of the books of the Library. There is no intention on the part of the Government to whittle down the resolution that had been passed. Government are fully aware of the significance of that resolution and they know very well the desire, the very legitimate desire, on the part of the members of this House either to be given an opportunity to use that Library or be supplied with another Library of their own. So long as the Government cannot, for financial or other reasons, provide for another Library, Government feel bound to allow the members of this House to use this Library on equal terms with the members of the other House. Sir, so far as we are concerned, we fully realize the difficulties of the situation but knowing as we do, we do not wish for any moment to let the thought grow that there can be any possibility on our part to ignore the privileges, which the members of this House enjoy along with the members of the other House. Sir, I hope the statement I have made will remove any idea that may be lurking in the minds of some members of this House that we mean to treat the two Houses differently.

Mr. LALIT CHANDRA DAS: How could you transfer this building to the Assembly which ought to have belonged to the Legislature?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, that point I understand has been dealt with by Sir Nazimuddin, but it is not very pertinent to the point we are discussing. Government will appoint a joint committee of both the Houses as early as possible,—I am saying, Sir, in consultation with my colleagues that as early as possible a joint committee of both the Houses will be appointed to go into the question and work out the details as to how the Library can be made available with equal rights and privileges to the members of both the Houses.

Mr. LALIT CHANDRA DAS: Including the building?

The Hon'ble Mr. A. K. FAZLUL HUQ: The building, Sir, does not come into the picture. If that question is raised, it will have to be decided. For the present, let us decide the question of the Library and if the question of the building has got to be decided, it can be brought up and can be decided later. What I mean is that there is not the slightest intention on our part to show any disrespect or any desire on our part to ignore this House in any matter.

Mr. LALIT CHANDRA DAS: Why should you wait for another motion? Why not take it up now with this motion?

Mr. PRESIDENT: Order, order.

The Hon'ble Mr. A. K. FAZLUL HUQ: At the present moment, the question of Library will be decided. If it is the feeling of the House, the question of the building might be taken up also, because that is also a necessary question. The whole point is that at the present moment we are handicapped for want of funds. Otherwise, the best arrangement would be a separate House—a separate Chamber—a separate Library and everything separate. But so long as money is not forthcoming, that cannot be done. I am, Sir, in the position of a man who has got a family with two children or with two housewives, as my friends are promoting me, and I have to manage somehow if I do not want them to quarrel. Therefore, I hope that the few words that I have said will be a very happy ending to the discussion that has taken place, and I hope every one will go away from the House with the idea that so far as the Ministers are concerned, they have got to consider the rights and privileges of both the Houses and respect the privileges of members of both the Houses. As I was saying, Sir, a committee will be appointed to go into this question and it will not take long for them to come to a decision. As my colleagues have authorised me to speak, the whole thing will be expedited.

Hon'ble members will understand how even a small piece of legislation and a more or less unimportant legislation takes a great deal of our time. There is one legislation going on at the present moment in the Lower House and nobody knows when it will be finished. There is another Bill going on in this House and hon'ble members of this House know better than I do when this Bill will reach the full-stop. Again, when this Bill has reached the full-stop, back it goes to the other House and again it comes to this House and so on and we the Ministers have to run about from one House to another. Hon'ble members should realise our difficulties also. We cannot often come to both Houses. When one House is finished, we have again to go to the other House. One hon'ble member asks me how Mr. Sarker can do that. Well, Sir, Mr. Sarker is a political shuttle-cock!

Mr. PRESIDENT: I am extremely sorry to interrupt the Chief Minister but our rules enjoin that after two hours the debate on an adjournment motion should automatically terminate.

The Hon'ble Mr. A. K. FAZLUL HUQ: All right, Sir. I think, however, that I have said enough.

Mr. SHRISH CHANDRA CHAKRAVERTI: We are quite satisfied, Sir.

Khan Bahadur ATAUR RAHMAN: But, Sir, we feel that we are almost in the same position in which we were before. For, we do not know the exact time when a decision will be arrived at. We are very much afraid of "as early as possible".

Mr. PRESIDENT: Order, order, the debate is closed. The rule is very strict on the subject.

Point of information.

Rai KESHAB CHANDRA BANERJEE Bahadur: May I rise on a point of information, Sir? Is the House sitting on Monday next, for Monday is the *Ratha Jatra* day?

Mr. PRESIDENT: As at present arranged, there will be a meeting of this House on Monday next.

Mr. NARESH NATH MOOKERJEE: Sir, the *Ratha Jatra* festival is a very important local holiday and I think we should not sit that day.

Mr. PRESIDENT: The Hon'ble the Chief Minister is here and he may be agreeable to grant a holiday on Monday.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, can we not sit for a couple of hours on Saturday?

(Cries of "no", "no".)

The Hon'ble Mr. A. K. FAZLUL HUQ: My colleagues advise me, Sir, that there would be no objection to our not sitting on Monday.

Mr. PRESIDENT: Very well. Then I adjourn the House till 8 a.m. on Tuesday, the 20th June, 1939.

Adjournment.

The Council then adjourned till 8 a.m., on Tuesday, the 20th June, 1939.

Members absent.

The following members were absent from the meeting held on the 16th June, 1939:—

(1) Mr. Khorshed Alam Chowdhury.

(2) Mr. Humayun Reza Chowdhury.

(3) Alhadj Khan Bahadur Shaikh Muhammad Jan.

(4) Khan Bahadur Muhammad Asraf Khan.

(5) Begum Hamida Momin.

(6) Mr. H. P. Poddar.

(7) Mr. Nagendra Narayan Ray.

(8) Mr. Sachindra Narayan Sanyal.

(9) Rai Saheb Jatindra Mohan Sen.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 20th June, 1939, at 8 a.m., being the twenty-first day of the Second Session, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

The Proportion in Population of Moslems and Scheduled Castes.

96. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he stated that the Moslems are thirty times the number of the Scheduled Castes people in Bengal?

(*b*) What really is the proportion on population basis of Moslems and Scheduled Castes people?

(*c*) Is it a fact that the Scheduled Castes form nearly a crore and the Moslems are a little over 2½ crores in Bengal?

(*d*) Is it a fact that in the presence of the Hon'ble Minister a resolution with his approval was passed in the Bengal Legislative Council ear-marking Rs. 5,00,000 for the Scheduled Castes alone?

(*e*) What stands in the way now of implementing that resolution?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No such statement was made.

(*b*) The comparative proportion is Moslems 2·76, and Scheduled Castes 1.

(*c*) Yes.

(*d*) I have not been able to trace any such resolution.

(*e*) The sum of Rs. 5 lakhs has been allotted to Scheduled Castes education and is being spent.

Mr. NARENDRA CHANDRA DATTA: Will the Hon'ble Minister be pleased to state if the Chief Minister's observations recorded in the Official Report of the Assembly Proceedings in regard to this subject are correct? I draw his attention to page 324 of the Report of the Assembly Proceedings. He may have the benefit of this if he likes.

It is stated there, "if I am to ear-mark Rs. 5 lakhs for the Scheduled Castes alone, I will have to set apart for Muslims—they are 30 times as big a community—Rs. 150 lakhs simply for the cause of Muslim education and so forth. That will arouse a fight among all the communities." Here is a statement recorded in the Proceedings of the Official Report of the Assembly which shows that the Hon'ble the Prime Minister made a statement, and his reply now is that no such statement was made. Which of these statements is correct?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I do not know what the hon'ble member wants to get at. About 30 times is not an exact figure. It may be a miscalculation.

Mr. NARENDRA CHANDRA DATTA: Sir, that is no answer to my question——

Mr. PRESIDENT: Order, order. The point is that in the original question certain statement was referred to. The answer of the Hon'ble Chief Minister is to the effect that no such statement was made. In putting the supplementary question, Mr. Datta points out that the Chief Minister made such a statement.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, the statement was made by the Hon'ble Chief Minister. It was not made by me. When he comes, he will answer the question.

Mr. LALIT CHANDRA DAS: Is he going to attend the meeting to-day?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur of Dacca: I think so.

Mr. LALIT CHANDRA DAS: On a matter of information, Sir. If the Hon'ble the Chief Minister does not come to-day, then will you permit us to put this supplementary question next time when he comes to the Council?

Mr. PRESIDENT: Yes, to-morrow when he comes.

The Bengal Children Act.

97. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he proposes to extend the operation of the Bengal Children Act to a wider area?

(*b*) Is it a fact that he has already prepared an elaborate scheme for the same?

(*c*) If so, will the Hon'ble Minister be pleased to state to what additional areas of Bengal he proposes to extend the said Act?

(*d*) Does the Hon'ble Minister propose to extend the said Act to Dacca and Chittagong, if not wholly, at least partially?

(*e*) Is it a fact that Maulvi Nur Ahmed, M.L.C., introduced a Bill to amend the Bengal Children Act solely with a view to get it extended to Chittagong and gave notice for its consideration?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) A proposal to do so is under examination.

(*b*) No.

(*c*) Does not arise.

(*d*) That is still under consideration.

(*e*) No. The hon'ble member's memory is at fault, his intention appears to have been to extend it to the Municipalities of Dacca and Chittagong.

Resolution of the Municipal Commissioners of Chittagong.

98. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state if he is aware of the fact that the municipal commissioners of Chittagong have recently adopted a resolution requesting the Government to take over the maintenance of the main road of the Chittagong Municipal town, viz., the road from Sadarghat up to Katalganj and Kapasgila Road or to move the Government of India to hand over the yearly receipt from Cusoms duty on jute levied by the port of Chittagong under the provisions of the Chittagong Port Act of 1914?

(*b*) Is it a fact that these resolutions have been forwarded to the Bengal Government by the local officials with recommendation from the District Magistrate of Chittagong?

(*c*) Is it a fact that the Chittagong Chamber of Commerce and other public bodies have supported the commissioners' prayer for taking over the maintenance of the main road?

(*d*) Has Government taken any action on the said resolution? If so, what are they? If not, why not?

MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) and (*b*) Yes.

(*c*) Government has no information on this point.

(*d*) The matter is still under the consideration of the Government.

The Bengal Government Press.

99. Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) whether it is a fact that 116 members of the Bengal Government Press Employees' Association resigned from the same during the month of March, 1938, and intimated the same to the Superintendent of the Bengal Government Press;

(*b*) if so, if this number of resignations has been stated in the return submitted to the Registrar of Trade Unions by the authorities of the Bengal Government Press Employees' Association; and

(*c*) if not, what steps have been taken by the Government against the authorities of the aforesaid Trade Union for submitting such an incorrect statement and if no steps have been taken, what may be the reasons thereof?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) No, only 20 members resigned.

(*b*) The return submitted by the Secretary of the Association showed that only twenty had resigned.

(*c*) Does not arise.

Sanitary Inspectors.

100. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Medical and Public Health Department kindly state if he is aware that there is a consensus of opinion among the public that the Sanitary Inspectors should be Sub-Assistant Surgeons with necessary training in health and sanitation?

(*b*) Is he aware that qualified Sub-Assistant Surgeons with the necessary training can be had at the rates of pay fixed for Sanitary Inspectors?

(*c*) Will he consider whether for future recruitment for the posts of Sanitary Inspectors, only Sub-Assistant Surgeons with health and sanitation training should be recruited?

(*d*) Will he consider if District Boards should not be instructed to recruit Sanitary Inspectors in future from duly trained Sub-Assistant Surgeons only?

MINISTER in charge of the MEDICAL and PUBLIC HEALTH DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) I am aware that there is a section of the public which holds this opinion.

(*b*) It is possible that some licentiates may be available.

(*c*) and (*d*) I am looking into the whole matter.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state if he is going to take the opinion of different district boards in coming to a decision in this matter?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not think it is necessary, but I shall consider the point raised by the honourable member.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state when we may expect a decision on this point?

The Hon'ble Mr. TAMIZUDDIN KHAN: As soon as possible.

The Calcutta Municipal (Amendment) Bill, 1939.

Mr. PRESIDENT: The House will now resume further discussion of the Calcutta Municipal (Amendment) Bill, 1939.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in sub-clause (*2*) of clause 3 of the Bill, in the proviso at the end of the proposed clause (*b*), after the word "Councillor" in line 4, the words "out of a panel of two persons framed by the elected Councillors of the Calcutta Corporation", be inserted.

Sir, I do not propose to make a speech over this amendment. I submitted my reasons when I moved my amendment No. 91, and I will not repeat those arguments here. I simply move my amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 3 of the Bill, in the proviso at the end of the proposed clause (*b*), after the word "Councillor" in line 4, the words " out of a panel of two persons framed by the elected Councillors of the Calcutta Corporation," be inserted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I submit that this is a very dangerous amendment. In this amendment my friend, Mr. Lalit Chandra Das has shown extraordinary shrewdness even for the profession to which he belongs.

Mr. LALIT CHANDRA DAS: To which you also belong.

Khan Bahadur NAZIRUDDIN AHMAD: I also belong to the same noble profession, but Mr. Lalit Chandra Das has exhibited a degree of shrewdness in which he has excelled every other lawyer in this House. First of all, in a house of 94, as it stands after the amendment, he would have 47 Hindus. Then, there are two Labour seats and they will be Hindu seats. That makes 49—a clear majority. He would have again 5 Aldermen who will all be elected by his majority; that brings the total to 54, and the balance will be 44. The position even apart from this amendment would be 54 to 44—an overwhelming majority. But even this would not satisfy him. His proposal now is that out of the four remaining seats to be filled up by nomination, two should be reserved for those who would be taken from a panel elected by this huge majority. I submit that in point of shrewdness, in point of sagacity, nothing can excel this. He would not be satisfied with a clear majority. He would have an unquestioned, predominant and an unquestionable majority for himself. For, if this amendment is accepted, the position of the Hindus and all the other categories vis-a-vis the Mahammadans, Europeans, Anglo-Indians and the nominated Councillors, all put together would be 56 to 38. I think further comments would be unnecessary. I, therefore, oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 3 of the Bill, in the proviso at the end of the proposed clause (*b*) after the word "Councillor" in line 4, the words "out of a panel of two persons framed by the elected Councillors of the Calcutta Corporation," be inserted.

(The question was negatived.)

Clause 4.

Mr. HUMAYUN KABIR: May I move amendment No. 109?

Mr. PRESIDENT: No, you cannot move it. It is in the name of Mr. Hamidul Huq Chowdhury. He is not present here.

Mr. KAMINI KUMAR DUTTA: Do you take up clause 4 now, Sir? But some other amendments to clause 3 still remain to be disposed of.

Mr. PRESIDENT: Yes; but they will be taken up when this clause is over.

Mr. HUMAYUN KABIR: Before you allow amendments relating to clause 4 to be moved, may I make a submission to you, Sir?

Mr. PRESIDENT: Now I am asking Mr. Kamini Kumar Dutta, whether he will move his motion or not.

Mr. HUMAYUN KABIR: Before clause 4 is taken up, may I make a submission to you, Sir?

Mr. PRESIDENT: No, not at this moment. Mr. Dutta, you merely say whether you move amendment No. 111 or not?

Mr. KAMINI KUMAR DUTTA: Sir, there is some difficulty about it because clause 4 deals really with constituencies. But here I have said that "the number of seats reserved for the members of the Scheduled Castes being fixed to be seven in the General Constituency." So, in a way, it does not fit in with the provision in clause 4.

Mr. HUMAYUN KABIR: Sir, I beg to move that for clause 4 of the Bill, the following be substituted, namely:—

"In section 8 of the said Act, for all the words beginning with 'Muhammadans in any constituency' up to the end of the section, the following shall be substituted, namely:—

'Muhammadans and members of the Scheduled Castes in any constituency shall be as stated therein in columns 4 and 5 respectively against that constituency:

Provided that a Hindu or a Muhammadan candidate, in order to be declared duly elected, must secure not less than twenty-five per cent. of the votes cast by voters of his own community and not less than ten per cent. of the votes cast by voters of the other community, respectively.' "

Sir, at present, section 8 stands as follows. The elected Councillors shall be elected by the constituencies specified in Schedule 3 and the number of Councillors to be elected by each constituency and the number of seats to be reserved for Muhammadans in any constituency shall be as stated therein against that constituency. The proposed Bill wants to change that by substituting in place of the words "Muhammadans in any constituency" the words "members of the Scheduled Caste in any General Constituency." Therefore, Sir, if the proposed Bill is passed as it now stands without my amendment, section 8 will read as follows:—

"The elected Councillors shall be elected by the constituency as specified in Schedule 3 and the number of Councillors to be elected by each constituency and the number of seats to be reserved for members of the Scheduled Castes in any General Constituency shall be as stated therein against that constituency."

In other words, Sir, the proposed amendment to section 7 is a very clever attempt to change the system of electorate which obtains to-day in the Calcutta Corporation without touching upon the section which deals with elections as such. In a word, it takes away the joint electorate which exists to-day. To-day, in the Calcutta Corporation we have certain general electorates in which Muhammadan seats are reserved. Clauses 4 and 5 in the proposed Bill want to change that state of affairs, and want to do that without touching the section which actually deals with elections as such. Therefore, Sir, the amendment which I have moved provides to retain the present state of affairs; it wants to retain the existing state of affairs with only one proviso. We in this new amendment recognise the necessity also of retaining certain seats for members of the Scheduled Castes. If my amendment is carried, then the new section 8 will read as follows. I would ask all honourable members to kindly give their attention to it because I think here we might find an attempt by which we can retain the present system of joint electorate in favour of which lots of things have been said in the past by even members some of whom now sit on the other side of the House, and at the same time which does away with the apprehension from which minorities suffer under such a system of joint electorate at times. If my amendment is carried then section 8 will read as follows:—

"The elected Councillors shall be elected by the constituencies specified in Schedule 3 and the number of Councillors to be elected by each constituency and the number of seats to be reserved for Muhammadans and members of the Scheduled Castes in any General Constituency shall be as stated therein in columns 3, 4 and 5, respectively against that constituency.

Provided that a Hindu or a Muhammadan candidate in order to be declared only elected must secure not less than 25 per cent. of the votes cast by the voters of his own community and not less than 10 per cent. of the votes cast by votes of the other community respectively."

If this amendment is carried, then we shall have joint electorates for Calcutta. By another amendment I propose to raise the number of the general electorates in Calcutta to 75, and out of these 75 seats I propose to reserve 7 seats for members of the Scheduled Castes and 24 to be reserved for the Muhammadan community. So that 24 *plus* 7 or 31 seats are reserved out of 75 for the Muhammadans and members of the Scheduled Castes. At the same time, the one apprehension which has been attempted to be brought forward in support of separate electorate as a safeguard of the minority is here removed. To-day, the apprehension very often is that in a joint electorate where the number of members is at a great disparity, if one community has 1,000 voters and another community has 200 voters, the case may be that a person

who enjoys the confidence of a minority does not enjoy the confidence of the majority, and we may even get cases where, let us say, a person who gets 190 votes out of 200 minority votes, is still defeated, because he does not get a sufficient number of votes from the majority community. Therefore, Sir, the argument has been brought forward that we must have separate electorate for the minority, so that the minority shall return those persons only in whom that minority has confidence. My amendment seeks to remove that misapprehension, which I do not deny exists in the minority community, because it provides that no member of a minority community or for the matter of that no member of a majority community either, shall be returned unless he enjoys the confidence of a fair portion of the votes of his own community. Therefore, the usual argument which is brought forward against joint electorate—that in a joint electorate it is the majority community that swamps the minority—no longer stands. Here, I wish to provide that no Muhammadan will be returned to the Corporation unless he gets 25 per cent. of the Muhammadan votes and in addition to that I provide that he must also enjoy at least 10 per cent. of the votes of the other community. Hon'ble members of the opposite side may ask why should he get votes of other communities also? The reasons are quite obvious. In an electorate, unless a particular candidate has to go to his voters, he is under no obligation to try to gain their confidence and look after the interests of the voters. I am sure the hon'ble members who have any experience of the Calcutta Corporation—I must admit that I myself have none—will admit that before the days of joint electorate, till 1933, Hindu candidates had very little to do with Muhammadan voters and the result was that the Hindu candidates were under no obligation whatever to make any improvement in the conditions of those areas in which the population was predominantly Moslem. As I have said, Sir, since 1933, when Hindu candidates have had to seek the votes of the Muhammadans, it has become a part of their duty—it has been necessary for them—to satisfy the Moslem as well as the Hindu voters so that they can win election to the Corporation. Therefore, since 1933 it has become a part of the duty of the Hindu Councillors in their own interest to look after the interests of the Moslem voters. Therefore, Sir, here I am providing that we have the form of joint electorate and at the same time we have the necessary security for the minority community.

I have also provided two different securities for the two communities. It may be said and it has sometimes been said that there may be a person who enjoys the overwhelming confidence of the Moslem community, but may not enjoy the confidence of the Hindu community at all, or *vice versa*. There may also be cases where a Hindu candidate may enjoy the confidence of an overwhelming number of Hindus, but may be an anathema to the Moslems. Therefore, I have provided that only that person shall be returned to the Calcutta Corporation,—and

also to all public bodies dealing with the welfare of the city as a whole, —who has the confidence of all the communities which live within the precincts of this city. It is desirable that only such persons should be returned who enjoy the confidence of all the communities and who can look to the interests of all the communities. The arguments in favour of joint electorate are so many and so various that I need not go into them in detail at this stage. It is enough to say that without joint electorates, there is no necessity for making a common appeal to build up a sense of solidarity between the different communities on which alone the welfare of this city can be maintained and increased. Besides, the disadvantages of the system of separate electorate are many and manifold. There is first of all the great political disadvantage. It keeps the communities divided against one another, and does not offer any bridge or common basis of contact by which the two communities can come together and work together for the welfare of the country as a whole. Again, sometimes it has been said that separate electorate will lead the way to joint electorate, that separate electorate will make each community strong separately and if we organise on these lines then and then alone can the two communities come together, and if they come together in that way they can work together for the amelioration of the condition of the country. That argument is absolutely fallacious, as experience has proved more than once. I refer to the remarkable speech of Khan Bahadur Abdul Karim in which he said that at one time he thought that separate electorate would serve as a basis or a sort of passage to joint electorate in the future. He wanted separate electorate in order that joint electorate may be possible in the future, but now after ten years' experience we find that the goal is not reached at all, in fact, we have not approached the goal at all, but it has receded further and further away from us, and it is inevitable that if separate electorate be there, we shall move further and further away from the goal which all of us desire to attain. In a communal electorate, the appeal also has got to be communal. A communal electorate on the basis of these differences between the two communities keeps the communities separate from each other and nobody can hope to be elected unless he can premise that he will be able to get for his own community more improvements and benefits at the cost of other communities. But only those questions ought to be emphasised which are of common interest to all the communities. And it is in this election appeal and in the propaganda for the change of mentality that the main value of joint electorate lies. As I have said in the very beginning, I recognise one danger of the minority being swamped by the majority in a joint electorate, and I have sought to provide against that danger. I think there is also another amendment in the name of Khan Sahib Abdul Hamid Chowdhury which seeks to give great protection to the minorities, but unfortunately he demands that a candidate shall enjoy exactly the same measure of confidence from both communities, which might

prove difficult in practically working the scheme. But the scheme which I have suggested is that a candidate shall enjoy, in order to be elected to the Calcutta Corporation or for the matter of that to any local body if we can extend this principle further, the confidence of the major portion of his own community and at the same time also enjoy the confidence of a fraction of the other community. All that it seeks to do is to give the necessary protection to the minority and not merely that, Sir. It gives added protection to a minority in another form. The candidates of the majority community must also satisfy not only the voters of his own community or class but he must also be able to satisfy an important fraction of the minority community. As I have said in the earlier course of discussion, it is no protection to a minority that it should have no voice in the election of the majority. If, as I have said earlier, all the 22 Moslems who are sent under the proposed Bill to the Calcutta Corporation be men of supreme ability, these 22 men cannot in any way change the decisions of the group of 51 or 52. These 22 votes would be ineffectual, whatever may be the individual ability of the particular member who might constitute one of these 22. But here, under my proposed amendment if it is carried, we give additional protection to the minority community in that it will control to a large extent the election of members of the majority community as well. Here, it is provided that no Hindu shall be returned unless he enjoys the confidence of at least 10 per cent. of Muslim votes and *vice versa*. Therefore, Sir, from both points of view—on the one hand that no Muhammadan shall be returned unless he enjoys the confidence of a large section of Muslim voters and on the other hand that no Hindu can also be returned unless he enjoys the confidence of a fair proportion of Muslim voters—in both the ways, there is sufficient protection for the minorities.

I do not know what argument will be brought forward from the other side of the House to meet this very serious attempt at meeting this communal difficulty which is raging all over the country to-day. Earlier, a few days ago, an astonishing argument was brought forward by the Hon'ble the Chief Minister, who I am sorry is not here to-day, when he said that the formula advanced by me reminded him of a formula advanced by the late Maulana Md. Ali, and that my formula was a travesty of the formula of Maulana Md. Ali and since the Maulana had failed, therefore no further attempt need be made to solve this communal problem. This argument, Sir, on the face of it is astonishing, and I must say that the Chief Minister has confused my formula with the formula of the late Md. Ali. His formula was quite straightforward. There was not sufficient protection of the minority, but only straight voting on joint electorate. It only provided that no Muhammadan shall be returned unless he secured at least 25 per cent. of Muhammadan votes. Therefore, it put a restriction on the return

of Muhammadan candidates, and it did secure to this extent the rights of the Muhammadan minority that no Muhammadan would be returned unless he enjoyed the confidence of at least 25 per cent. of the Moslem electorate. The Muhammadans were asked in this way to return a man who enjoyed 25 per cent. of confidence of Muslim voters and a Muslim candidate was probably returned by the majority of votes of the majority community, even though another Muhammadan enjoying the votes of not less than 50 per cent. of the Muslim electorate might be defeated, so that there is no *quid pro quo* in the arrangement suggested by the late Maulana Sahib; but in the formula I have suggested there is this protection given to the Muslim community that not only is their right to vote in the election of Hindu candidates retained, but there is additional protection offered to them, that in return for making a concession to the majority community, that majority community may only return a person who enjoys at least 10 per cent. of the votes of the Muhammadan community. The majority community will in return be bound by the decisions of the Muhammadan voters, because this formula provides on the one hand that Muslim candidates must enjoy 25 per cent. of Muslim votes and 10 per cent. of Hindu votes, and, contrarily, Hindu candidates also must enjoy the confidence of 10 per cent. of Muhammadan votes: this percentage can be reduced to 5 or so. But personally, I am more in favour of an arrangement by which no candidate could be returned unless he enjoys at least twenty-five per cent. of the votes of both the communities. Here, therefore, is additional protection for which the Maulana's formula did not stipulate. Therefore, the statement made by the Chief Minister the other day was very astonishing, and it shows that he had failed to understand where the formula of the late Maulana Sahib and the formula suggested here differ; and not only that. It is, I think, the height of despair to say that simply because the Maulana failed in his attempt, therefore no further attempt should be made to solve the problems of India. But, rather, because these attempts have failed, we must take courage through these several failures and try to find out the defects of those attempts. Why those attempts had failed? Why should we not go forward and find out the drawbacks which attended these compromises and those attempts at settlements and remove those drawbacks and defects and evolve a scheme which will meet the genuine apprehensions of the minorrity, and thus create an atmosphere in which representatives of the minority can work with the majority for the welfare of the country as a whole? If we are to pay any attention whatsoever to arguments like these that because so and so has failed, we should not make any attempt in that direction, then political life in this country or for the matter of that, in any country would be impossible. Take one concrete example. India has not yet attained her politcal independence in spite of great contributions which men like Mr. Muhammed Ali or late Mr. C. R. Das or other persons have made.

Are we therefore to understand that we shall never win our Independence? Are we therefore to understand that we shall give up all our endeavours, all our attempts and shall not work for the bringing forward of that state which they also desired, but failed to achieve? It may be that we shall be luckier, and I think that every member of this House will hope and will hope with confidence that that luck may be ours, that we may succeed where they had failed. Therefore, Sir, that sort of argument which is often brought out carelessly won't do, and it is surprising that a man in such responsible position as the Chief Minister of Bengal should bring out an argument so carelessly and without any forethought as was done on that occasion. We must dismiss that sort of argument and examine the quesion on its merits; and if after examination of the question on its merits, we find that a formula like this gives the necessary protection to the minorities, and yet at the same time retains all the advantages of joint electorate, retains all the advantages of having a common appeal to the electorate of working together for the common interest of the State as a whole, I think that this House which has in the past on many occasions shown its appreciation of a good point when it is made, will record its vote again in the manner in which it ought to.

Mr. PRESIDENT: Amendment moved that for clause 4 of the Bill, the following be substituted, namely:—

"In section 8 of the said Act, for all the words beginning with 'Muhammadans in any constituency' up to the end of the section, the following shall be substituted, namely:—

'Muhammadans and members of the Scheduled Castes in any constituency shall be as stated therein in columns 4 and 5 respectively against that constituency:

Provided that a Hindu or a Muhammadan candidate, in order to be declared duly elected, must secure not less than twenty-five per cent. of the votes cast by voters of his own community and not less than ten per cent. of the votes cast by voters of the other community respectively.' "

Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN: Sir, I rise to oppose the motion. We have already made it clear why we want separate electorate. We have told that so long as there is communal bias in the majority community, we must have separate electorate in order to protect the interest of our own community. We have said, Sir, that of course joint electorate is the ideal, but so long as the communal bias continues, we cannot do without separate electorate for the protection of our own interests. I shall show, Sir, from the example quoted by my friend Mr Humayun Kabir that the formula

given by him does not at all solve the difficulty. He has said that in a constituency where there are 200 Muhammadan voters and 1,000 Hindu voters, according to his formula a Muslim to be elected must secure at least 50 Muslim votes besides 100 Hindu votes. The defect in this formula will be apparent from the fact that in such a constituency if a Muhammedan secures only 25 per cent. of the votes, *i.e.*, 50 votes from Muhammedans, and if he gets 500 votes from the Hindus, he will be elected in preference to a Muhammadan who gets 75 per cent. of the Muhammedan votes, that is 150 votes from the Muhammedans, but gets less than 400 votes from the Hindus. So, in spite of the fact that the candidate who has been able to secure 75 per cent. votes of his own Moslem community in addition to 30 per cent. of votes of the Hindu community will not be returned; and the person securing a larger number of votes of the majority community will be returned. So, his formula does not at all solve the question. On the other hand, Sir, for a Hindu candidate to get himself returned he was to secure only 20 votes of Muhammedan out of 200 and a majority of Hindu votes. So, he will be returned in spite of the fact that he cannot be at all considered to be a fair-minded man by the Muhammadan community as a whole. So, Sir, this does not at all solve the question and the very object of the separate electorate will be defeated if this formula is to be resorted to. So, Sir, I think this cannot be accepted by this side of the House.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I am in agreement with my hon'ble friend Mr. Humayun Kabir so far as the object of his motion is concerned, because it is a laudable object that he has in view, namely, of effecting a compromise between the two communities as regards this burning question of the form which the electorate should take. But in approaching this subject he has adopted a novel method. Peace-makers in other spheres of life, if they want to make peace between two communities, they approach leaders of the different communities to effect a compromise. But my hon'ble friend has evolved a formula out of his own brain, and he has not made any attempt whatsoever of approaching the different communities to make his formula acceptable to them. I think, Sir, a method like this can never succeed in achieving its object.

Secondly, Sir my friend has accused the Hon'ble the Chief Minister that he did not understand either the formula of the late lamented Mr. Muhammed Ali or the formula of my hon'ble friend. I would say, Sir, that my hon'ble friend has not understood himself either the formula of Maulana Muhammad Ali or his own formula, because it is absolutely unworkable. That is what the Hon'ble the Chief Minister said the other day. He described Mr. Humayun Kabir's formula as a travesty of the formula of the late Mr. Muhammed Ali

which itself was found to be unworkable, on examination. Now, Sir, my friend's formula is that a candidate belonging to a particular community shall not be elected unless he gets at least 25 per cent. of the votes of his own community and at least 10 per cent. of the votes of the other community. First of all, Sir, let us examine Mr. Muhammed Ali's formula which is the first portion of Mr. Kabir's formula, that one must get at least 25 per cent. of the votes of his own community. Now, Sir, supposing in a constituency there are 6 Muhammedan candidates and the votes are equally divided among the 6 candidates. None of them can get 25 per cent. of the votes of his own community. Therefore, the election will be a failure on that ground. Secondly, Sir, he tacks on that another formula that he must again get not only 25 per cent. votes of his own community, but 10 per cent. of the votes of the other community. Here again, Sir, all those members of the Muhammedan community who get 25 per cent. of the votes of his own community may not get at the same time at least 10 per cent. of the votes of the other communities. Therefore, on this additional ground the election will be failure. Therefore, if Mr. Humayun Kabir's formula is accepted, it will be unworkable. Probably in some cases it will be workable and the results will come out all right. But there will be certain cases in which election will be an absolute failure. Sir, I fail to understand how a keen and analytical mind like that of my hon'ble friend Mr. Humayun Kabir can actually present such a formula, and in this view, I say Sir, that Mr. Kabir has failed to understand either the formula of Mr. Muhammed Ali or his own formula. Sir, I oppose the amendment.

Mr. KADER BAKSH: Mr. President, Sir, I will be very brief. The Hon'ble Mr. Tamizuddin Khan has said that the formula is unworkable. It is not only unworkable, Sir. It will make matters worse. It will embitter the feeling between the Hindus and Muslims still further. It will degenerate the *morale* of the electorate itself. I will explain to you later on how this will happen. Sir, it will make matters more complicated. There may be never-ending election, because, Sir, one candidate while getting 25 per cent. of votes of his own community may not get 10 per cent. votes of the other community —nobody will get 10 per cent., there will be 4 or 5. Thus, it will be a failure. So, this formula is absolutely meaningless and without any sense.

Then again, Sir, suppose I am a candidate from some constituency. There are 200 Muhammadan voters and I get 100 per cent. of the votes of my community, but I fail to get 10 per cent. of the votes of the other community. Sir, he said 25 per cent. of the votes of the community will suffice, but I have the confidence of 150 of my own people, but if I do not get the confidence of 10 per cent. of the votes

of the other community, I cannot be elected; whereas a candidate who has got 50 per cent. of votes of his own community but secures 10 per cent. of the vote of the other community will be elected. A candidate from the Muhammadan constituency, if he gets the largest number of the votes of his community, is not to be returned because he does not get 10 per cent. of the votes of the other community. This is absolutely meaningless.

Not only that, Sir. Mr. Kabir has not understood the proposition which he has put forward, and he has not been able to follow the speech of the Hon'ble Premier. He has accused the Hon'ble Premier that he has not understood the formula of Maulana Muhammed Ali and he has not understood him. I will ask the Hon'ble Premier to sit at the feet of Professor Humayun Kabir and learn everything from that fountain of all knowledge. Sir, this sort of dogmatism, this sort of arrogance cannot certainly be condoned. Whatever that may be, Sir, it is not my concern. My concern is this, that if I get 190 votes of my own community, I do not care whether I get the vote of any other community or not. I will now show how Mr. Kabir's formula will bring down the *morale* of the constituency. Now, my Hindu friend who has got the majority votes of his community, will be coming to the Muhammadan community and he will certainly be trying to bribe the other community as they had been doing for a long time past. (Mr LALIT CHANDRA DAS: Question.) I do say, Sir, that they have been trying to bribe and they have bribed in the past. Now, Sir, a Muhammadan who has got 175 votes will try to bribe the Hindu voters. There will be an unseemly fight and an immoral fight.

On these grounds, I very strongly oppose the unworkable formula which has been put forward before this House by my friend the Hon'ble Mr. Humayun Kabir. I will tell him at the same time that we love him for his learning, but he is a man whom we cannot understand, neither he understands anybody.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also oppose this amendment. My reply will be extremely short. The hon'ble Mr. Humayun Kabir professes to create a bridge between the two communities. Stated concisely, his scheme is like this: he requires that the successful Muhammadan candidate must obtain 10 per cent. of the Hindu votes, and the corresponding Hindu candidate must secure 10 per cent. of the Muhammadan votes. But inspite of his "bridge," there would be contest between Hindu and Muhammadan candidates in the same electorate. The Muhammadans may not like a Hindu candidate and the Hindus may not like a Muhammadan candidate. Supposing for example, Mr. Lalit Chandra Das is the Hindu candidate and I am the Muhammadan candidate. I do not like

Mr. Lalit Chandra Das coming in. It is very easy for me to manipulate the Muhammadan votes so as to effectively exclude Mr. Das from the election. He would not be elected if he does not get the minimum 10 per cent. of the Muhammadan votes. Similarly, Mr. Das would manipulate his voters so as to easily exclude me from obtaining 10 per cent. votes from the Hindus.

Mr. LALIT CHANDRA DAS: I will not exclude you. Come to my electorate.

Khan Bahadur NAZIRUDDIN AHMAD: You would behave differently in the actual field. The result would be that none of us would be elected. It would be easy to exclude each other from the election.

Mr. PRESIDENT: Order, order. There is a rule that no member should cross the floor between a speaker and the Chair as the Hon'ble the Chief Minister did.

The Hon'ble Mr. A. K. FAZLUL HUQ: I am sorry, Sir, I did not notice that I was violating this rule.

Khan Bahadur NAZIRUDDIN AHMAD: As I was submitting, Sir, the result would be that we would have successfully excluded each other and what would be the effect of this? Elections will fail in every Ward and there would be deadlocks. There would be re-elections but matters will not improve.

While the elections are to be finished by a certain date for the election of Aldermen, the Mayor, the Deputy Mayor and the different Standing Committees, we should by successfully excluding each other hold up the entire machinery and the Corporation will come to a stand-still. The whole scheme is impracticable and unworkable and represents the dream of a visionary. The so-called "bridge" can be locked up on either side preventing each other's access and the activities of the Corporation paralysed. With these words, Sir, I oppose the amendment.

Dr. RADHA KUMUD MOOKERJI: Sir, I wish to congratulate Prof. Humayun Kabir on the originality of the idea that he has put forward in his amendment and also on the ability with which he has been able to explain the various features of his proposals. I am sorry to find that in this House as elsewhere—and outside—we are divided not merely by conflicting opinions, but if I may say so, we are somewhat fundamentally divided by conflicting ideals and ideologies. The question is, what are we here standing up for? That is the fundamental question and we have got to answer it in the light of our own

conscience. The second proposition that should be considered by this Council——

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Is it advisable to discuss this matter any longer in view of the statement made by the Hon'ble Mr. Tamizuddin Khan which was that the whole thing is absolutely unworkable. Even if Mr. Kabir's amendment is carried, it will have to be altered or changed to make it workable. In view of that fact, is it worth while going on discussing this question?

Mr. PRESIDENT: Order, order. Though the point is not well taken, yet there is considerable sense in this remark. It will possibly be no good repeating the same argument and if it is agreed that this amendment would be unworkable, is it any good taking up the time of the House over it?

Dr. RADHA KUMUD MOOKERJI: Sir, I am not at all deterred by the interruptions that have been made on the ground of conflicting ideals. I know these interruptions would be always forthcoming from the other side, but at the same time I must make clear our fundamental position. We are here not writing on a clean slate. We are here discussing the Calcutta Corporation Bill and we must all remember in this House that we are not writing on what may be called a clean slate. We have inherited certain traditions in this matter and the question is whether we are going back upon those traditions that have been established with reference to this subject. Now, Sir, what are those traditions? In 1923, we made a start with the process of democratising the constitution of this great body, namely, the Calcutta Corporation. At that time it was agreed by all the communities——

Mr. PRESIDENT: Order, order. Should we not also remember that we are now discussing an amendment and not considering the Bill?

Dr. RADHA KUMUD MOOKERJI: In order that I may be able to throw light on the views that may be held on this amendment, I must remind the House what they have forgotten. I must ruthlessly remind the Council *ad nauseam*, because I am a hopeless idealist, of what they are going to do about that proposal. Now, Sir, they made a start in 1923. In what way? They introduced separate electorate by acknowledging it as a necessary evil at that time, but at the same time they provided that this evil must be absolutely restricted in its operation. It was laid down by the consensus of opinion of all the communities of this city that although separate electorate

might be conceded, it should be as a strictly temporary measure. Separate electorate was provided for in Calcutta's municipal constitution of 1923 only on the condition that it should automatically expire by the mere lapse of time after three general elections. I have already referred to this subject once before, but I do not think that this subject does not bear another repetition. I must remind the particular group in this House, namely, the European group, that that proposal about limiting the operations of this evil of separate electorate—that proposal emanated from whom? From the then leader of the European group in the then Bengal Legislative Council. And why was it left to that group to suggest this compromise? Because, they came to India with the democratic traditions of the British Parliament which is the prolific mother of so many parliaments and, imbued with those traditions, they rightly thought that the goal of all our legislations should be towards joint electorate more and more, and that we should not commit ourselves hopelessly to separate electorate as a permanent feature of our democratic constitution, on the ground that in theory and on the ground of principle separate electorate and democracy are incompatible provisions; they can never agree with each other. I have no quarrel with my friends on the other side if they believe in separatism as a principle. There is no use in taking recourse to violent embraces or compulsory unions. But if you are bent upon separatism, you must be aware of its consequences, of what that means. For the time being, I am on the subject of the Calcutta Corporation. This Council has no moral authority to throw back the forces of progress and to put back the hands of the clock of progress for this country. We were all agreed, all communities had agreed in 1923, that separate electorate must expire with the lapse of time and accordingly in 1933, when this vicious monster expired as its lease of life had terminated, what happened? We ushered in an era of joint electorate. Now you want to go back and say, "we shall have separate electorate." Of course, you have every right to accuse us, the Hindus, of want of sympathy. You say boldly and publicly, you make no secret of your conviction that you, our Muhammadan friends, cannot any longer put any trust in your Hindu friends. You are fond of making this public accusation time and again. The question is: Is it right for you to foster this kind of sentiment?

Mr. KADER BAKSH: You also do not trust the Muhammadans and therefore foster this feeling in us.

Dr. RADHA KUMUD MOOKERJI: I am dying to trust our Muhammadan friends, but they simply reject all our offers of peace and conciliation. Taking the Legislature of the whole province, although the Hindus are a minority in this province, they have never claimed any reservation of seats. And they would trust themselves

blindly to their Moslem brethen who are in the majority and work the Constitution in a true democratic spirit on the basis of joint electorate. Now, what is your response to that offer from your Hindu minority friends? Whether as a majority in the province or a minority in the Calcutta Corporation, you have the same burden of song throughout, namely, separatism. But where will this lead to? Why do you go back upon the work of your predecessors which was settled after so much discussion in 1923? Separate electorate has expired with the lapse of time, and why are you going to revive this monster again, resuscitate this monster again, in order to work havoc against all democratic ideals? Therefore, I say that in theory and on the ground of principle, I cannot think that this Council should commit itself hopelessly to the position that separate electorate should again be the order of the day in the year of Grace 1939. Of course, this is my prayer only. I know that you will reject all offers of conciliation and that you are still bent upon proclaiming from house-tops that you cannot trust your friends of the Hindu community, you cannot work under joint electorate in a democratic constitution. Have your separate electorate by all means, but please remember, as I said before, that your separatist attitude will lead to a complete scheme of separation. Do you think that you can separate only where it is convenient for you? Will not the aggrieved community, those whom you are deserting, whose offers of friendship you are declining and refusing always, turn round and say, "If you are bent upon separatism, or developing the country or the province on the lines of separatism, it is time that you should have a through-going scheme of separation? Let us find out the interests which will suffer by the union and the interests which may be best promoted by separation." All these questions will crop up. I, therefore, say, "please let us agree to give a quietus to all those forces of disintegration which militate against democracy."

Now, there is another point involved in this. I am reminded of the part that was played in this matter of the establishment of a joint electorate in the city's administration—the part played by my European friends. I do hope that they will not so far depart from the traditions of their own great country as to throw the weight of their support to lost causes and discredited ideals. I do not think that conscientiously they can ever vote for what has never been established in any country of this world, namely, separate electorate. Separate electorate means partition of the State, and when the State is regarded as one organic unity, you cannot allow forces of disruption to assert themselves in the midst of the body-politic. In that way, the body-politic would come to rack and ruin. And therefore, I say that when we are again on this controversial question, of separate *versus* joint electorate, a question which we thought had been settled

for ever so far as the Calcutta Corporation was concerned, since this vicious principle has been raised again, I do hope that some of our friends in this House who have other traditions should retain their loyalty to their traditions and ideals and should not engage in this communal controversy.

Now, as regards the proposals of my friend Mr. Kabir, they divide themselves into two parts. The first part is the question of principle and the second part is the question of detail. I think that he has discovered a very good scheme of compromise by which the ideal of joint electorate may be realised without allowing the excesses of the separatist sentiment which is shared by some of our colleagues here. Well, if you object to this complete scheme on the ground that it is unworkable, then the best course would be for you to refer the scheme for examination to a committee of experts, if we approve of the principle of the scheme. But because this scheme, according to the suggestion of the moment, does not appear to be practicable or workable although this view has not emerged out of any expert examination, I do not think that on that ground alone, you can throw out the amendment. The amendment really represents a very, very honest and ingenious effort towards reconciling different points of view advocated by those who stand up for separate electorate and those who stand up for joint electorate. Mr. Kabir has worked out his scheme on the basis that the minimum qualification for a citizen for election to the Calcutta Corporation should be that he should enjoy an amount of confidence of the other communities which should be prescribed as a minimum standard. Now, what must be that minimum standard of qualification, namely, the standard of confidence which members of a particular community must inspire in the minds of a community which is not his own? He has stated that perhaps we may adopt as a workable standard 10 per cent. of votes. Where is the absurdity of this proposal? Well, some of my friends were enthusing on the subject that perhaps a Muhammadan candidate for a seat in the Calcutta Corporation may be able to win 90 per cent. of the votes of his own community but will fail to secure even 10 of the confidence of the other communities.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Even if he secures 90 per cent. of the votes of his community, he will not be returned.

Dr. RADHA KUMUD MOOKERJI: If such a hypothetical case materialises and becomes the order of the day, I should think strongly that such a man is unfit to be a citizen of Calcutta. You have to live here as citizens of the same city of which we are all proud. Therefore, I think that it is mere criticism for the sake of criticism.

The criticism lacks practicality and I should turn round and say that those who advance this criticism are themselves too idealistic and that they are not at all practical as regards the suggestions they have made. My point of view is this. I think there is no citizen in Calcutta who cannot command the confidence which may be measured in a 10 per cent. votes of his immediate neighbours with whom he is associated in vital ties of neighbourhood and other associations.

Mr. HAMIDUL HUQ CHOWDHURY: Supposing he does, what about 25 per cent.?

Dr. RADHA KUMUD MOOKERJI: Supposing the stars come down, we shall then legislate to meet such a contingency. But I think the contingency that has been suggested in all seriousness, that contingency is so theoretical that I am surprised to find that it emanates from experienced administrators like the Hon'ble Home Minister to whom we bow as regards administrative experience. But does he seriously think that there can be even one citizen of Calcutta who will be unable to command the minimum 10 per cent. of votes of other communities?

Mr. HAMIDUL HUQ CHOWDHURY: Possibly he will be.

Dr. RADHA KUMUD MOOKERJI: Well, if this is urged in all seriousness by administrators of deep experience of the Hon'ble Home Minister, I shall certainly feel extremely depressed about the future of this country and the future of this city.

Mr. HAMIDUL HUQ CHOWDHURY: You are talking of only one side.

Dr. RADHA KUMUD MOOKERJI: If you believe so, lower the minimum so that a citizen of Calcutta need not command 10 per cent. confidence, but something less.

Mr. HAMIDUL HUQ CHOWDHURY: That is not the question. How can a man satisfy the two conditions?

Dr. RADHA KUMUD MOOKERJI: What are the impossible conditions?

Mr. PRESIDENT: Order, order. Dr. Mookerji must address the Chair. This sort of conversation will not be allowed.

Dr. RADHA KUMUD MOOKERJI: Sir, I should think that it is the easiest possible thing for a real citizen of Calcutta to combine the minimum standard of 25 per cent. vote of confidence from

his own community and only the minimum of 10. per cent. confidence in the shape of votes of the other communities. That is the very minimum basis on which citizenship in a city like Calcutta has to be built up, and I do not think that you are really in earnest about this matter. Do you take up the position merely on the grounds of theory that there can be no citizen of Calcutta who will be able to get even 5 per cent. of confidence from the members of other communities? Is that really the test of neighbourhood or friendship or civic sense or civic virtues? I think you are pushing your position to absurd limits. I, therefore, think that you should be more practical and find out whether the minimum prescribed in both the cases is an impossible minimum which is not to be attained by any citizen of Calcutta. If you are really business-like, if you really have any regard for the principles of unity and if you do not stand up for separatism as your God, pray retrace your steps and join us in again building up the administration of the city on the lines that were supposed to have been permanently fixed in 1923 and were operative since 1933. Pray, do not go back; do not put back the hands of the clock of progress. We are living in democratic days. The whole of India will laugh at us. Consider the mischievous consequences of what you propose. Once you instal this monster of separate electorates in the Corporation of Calcutta, the second city of the British Empire,—not merely the first city of India but the second city of the whole Empire,—once you instal this discredited monster of separate electorates in the citadel of this Corporation of Calcutta, what will happen? The poison will become an epidemic. It will spread to the mofussil municipalities. You cannot say with reference to mofussil municipalities that you have suffered by trusting your Hindu brethren. The poor Hindu brethren who are absolutely in the position of minorities in most of the municipalities of Eastern Bengal, they have surrendered themselves absolutely in your hands. They have taken their chance on the basis of joint electorates, no matter whether they get any seats or not. Therefore, I say check the spread of this evil. If you instal at the nerve-centre of the body-politic this poison, it will spread all over the body-politic. And what will be the consequence? The consequence will be that we Hindus and you Muslims will think in terms of separate nationality, and you must think logically in terms of federation, and the result will be that these two separate nationalities certainly will come together, but they will come together only in a scheme of federation. I am afraid you are probably thinking of some of these political arrangements for the future——

Mr. PRESIDENT: Order, order. The hon'ble member is now repeating his own arguments. If there is any new point, he can certainly make it but he cannot repeat his own arguments.

Dr. RADHA KUMUD MOOKERJI: I am just on the eve of making a new point, Sir.

Mr. KADER BAKSH: On a point of order, Sir. Is there no time-limit when Dr. Mookerji speaks?

Mr. PRESIDENT: There is no time-limit to speeches by members during the discussion of a Bill. But it is expected that the hon'ble members will see that they do not repeat their own arguments or the arguments of others.

Dr. RADHA KUMUD MOOKERJI: Sir, so far as I am concerned, I do not think I am repeating any of the points. In fact, I am used all my life not to repeat arguments but to give fresh ideas. My idea is this that my friends over that side want to organize their respective communities as separate nationalities. This is a new point, and the consequence of this very new proposition would be that they will perhaps stand up for Muslim Bengal in all matters to separate itself from Hindu Bengal. Ultimately, these two communities may come together under some federal scheme and perhaps their idea is to convert Bengal Legislature into a Federal Legislature where these great separate nationalities might come together under some agreed terms of federation. If that is your political ideal——

Mr. PRESIDENT: Order, order. The hon'ble member is not to assume something and then argue on that hypothesis. Federation and other things are not in this amendment. I have allowed this much of latitude because this is the only amendment in which the question of joint electorate and separate electorate can be discussed. That is the reason why I have given you latitude, but I expect that this concession should not be abused.

Dr. RADHA KUMUD MOOKERJI: Sir, I am afraid that I am really making a very desperate and last attempt to win my friends over from the arms of that monster of separate electorate into the pacific embrace of joint electorate. Therefore, I am in my death grips. I agree that I am in desperate straits. Therefore, I want to remind my friends over there that if they do not think that any unifying contact between the Hindus and Muslims is necessary, the result would be that perhaps you are thinking of a complete scheme of separation and partition between the two communities which will ultimately result in a federal constitution for Bengal, with a Federal Assembly representing Hindu Bengal and Muslim Bengal. I do hope still that it is not yet too late to retrace your steps. Please retain the ideal of the constitution of 1923 and 1933 and in the name of an amendment of the constitution of the Corporation of Calcutta, do not bring in devices which are destructive of the constitution which has been established since 1923. I should think that perhaps it is open to doubt whether such

an amendment is really in order, because it negatives the present constitution. It is not an amendment of the existing constitution. It negatives the very basis upon which the constitution of the Calcutta Corporation has been framed and has been functioning. And, therefore, by the back-door of a most vicious amendment you are really levying an onslaught upon the very principles on which the constitution of the Calcutta Corporation is functioning. I, therefore, once again repeat my appeal, my prayer to you, pray do not forsake your Hindu friends, do not think that they are unworthy of your confidence. They are still fond of you and they are still tied to you in so many vital bonds of neighbourhood and other associations. Please provide constitutional channels for the expression of communal unity and communal good feeling, but do not dig canals through which the muddy waters of communalism will flow unfettered till they will inundate the whole country and split up the unity of this fair province of Bengal into two warring camps to be called Hindu Bengal and Muslim Bengal running on their own account with a clear separation of purses and all other matters. Pray do not lead us to the necessary consequences of that position. I, therefore, once again humbly appeal to you that you should support the very modest scheme put forward by the mover of the amendment, Mr. Humayun Kabir, in favour of the retention of joint electorate under certain conditions which show a concession to the particular point of view that my friends on the opposite side have been urging with so much emphasis so long.

Khan Bahadur M. SHAMSUZZOHA: Sir, I have heard the eloquent speeches of Dr. Radha Kumud Mookerji and Mr. Humayun Kabir. But, Sir, having some experience of rural Bengal, I regret that things have come to such a pass that we cannot overlook the actual situation in the country. There may be, Sir, good principles which have been tried and found even suitable to other countries, but regard being had to the present conditions of this province, we should think and think many times whether those things which have been found suitable for other countries can be applied completely and wholely without qualification to our country. Sir, it has been urged that through this amendment to the Calcutta Municipal Act, instead of there being some progress, instead of making attempts for progress, some retrograde steps are being taken. But Sir, judging things as they are, we should define, first of all, what is meant by progress. If by progress you mean domination or dominance of one community over the other, then, Sir, it can be said that these amendments should be regarded as retrograde. But if it is considered by those who have the good of the country at heart, who really want that the component parts of Bengali or Indian nationhood should comprise healthy organs, —consisting of various communities and races, —then I should think that the Hon'ble Premier has been able to see through the whole thing

and we should be thankful to him for his attempt to see that the interests of those backward communities who really need fostering care and whose growth in the body-politic is essential for the progress of the nationhood, are attended to. Then, Sir, my friend, Dr. Mookerji, who is a political philosopher, should also think now whether he should qualify the unadulterated theories that obtain in other countries. Sir, this is so far as the reservation of seats for different communities are concerned.

As regards the concrete proposals that have been made regarding the system of joint electorate, if we judge these we find that devices have been made, restrictions have been put which try to make a compromise of the existing situation. Those restrictions themselves imply that the proposals are impracticable and unworkable because, had they been easy of solution, then these safeguards and restrictions would be unnecessary. That a necessity has been felt for these restrictions and safeguards—that is the reason for repudiation on our part of the principle which Mr. Kabir and Dr. Mookerji have persistently tried to advocate. I, therefore, do not think that those who really want the progress of this country should declare from the housetops that this principle of joint electorate alone will do good to the country.

Raja BHUPENDRA NARAYAN SINHA BAHADUR, of Nashipur: Mr. President, Sir, I rise to congratulate the hon'ble mover of this motion on having moved a motion which is novel to this House and on having tried to make an improvement not only on the joint electorate system, but also to introduce a system of both joint and separate electorate at the same time. I cannot agree that the proposal or the formula which he has enunciated to-day is unworkable or impracticable, inasmuch as it has never been put into action or has never been tried in Bengal, or in any other province. It is admitted and no one can deny that the theory or the formula enunciated by the late lamented Maulana Muhammad Ali was the same as that which has been proposed to-day. That formula may have been found to be impracticable, but not this one. So, there is no harm in bringing forward this formula to see whether it is workable or not. But at the same time, I must confess that this question is one of the most important questions for this province. It will affect both the Hindu and Muhammadan communities vitally. One is in favour of joint electorate, and the other is in favour of separate electorate. So, this question being one of the vital questions, it will be better if the principle is accepted. I think that leaders of both the communities should be consulted to see whether this formula can be accepted by the Government or by the people as a whole. If that is possible, if they think that to be an

acceptable and workable solution, I think it will be better for the Government to take the initiative and introduce a Bill in the near future on the line proposed by him. But at the same time, I must say that there is no harm in accepting the principle. If Government were to declare that the principle be accepted and that the opinions of the leaders and experts of both the communities be called upon, then I think it will give satisfaction to all parties concerned. I cannot accept the suggestion that this amendment should be rejected at once as an unworkable and impracticable formula. With these few words, I support the amendment so far as the principle is concerned.

Mr. LALIT CHANDRA DAS: Sir, may I with your permission move a short-notice amendment, to make an addition to the proviso in the amendment moved by my friend Mr. Kabir? The proviso is to provide that: "If no candidate satisfies the conditions, there shall be a re-election and if the re-election also fails to satisfy the conditions in the proviso, the proviso shall be suspended for that occasion and candidates getting the hightest number of votes of their own community shall be declared to be elected accordingly."

Mr. HAMIDUL HUQ CHAWDHURY: The addition suggested is of such a complex nature that I object to its admission.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the present amendment proposed by Mr. Lalit Chandra Das goes absolutely against the context of the amendment moved by Mr. Kabir. The position in that case would be that the House would be taken by surprise. As a matter of fact, the present amendment would take away the effect of the proviso. Certain objections were taken to the former amendment and Mr. Lalit Chandra Das in order to meet those objections for the time being proposes this amendment. But it will absolutely nullify the original amendment. In these circumstances, when this amendment is not of a formal or of a routine character but absolutely springs a surprise upon the House, the House has a right to refuse its admission. It is not merely consequential——

Mr. PRESIDENT: Order, order. As there is no unanimity in regard to the admission of this short-notice amendment, I shall not accept it at this last stage. If, however, the Government is willing to consider this amendment, I shall be prepared to admit it, but not otherwise.

Mr. NARESH NATH MOOKERJEE: Sir, a great deal of misunderstanding has been created in the minds of some of our friends here after the speech from the Treasury Bench with regard to the practicability of this amendment. We, therefore, feel that a proviso

of this nature should be added. In fact, I feel that if the Government have no objection to the inclusion of this proviso, it may be possible then to retain at least in some measure the system of joint electorate—

Mr. PRESIDENT: As I have said, I shall have no objection if Government is agreeable to accept or to consider this amendment. My opinion is that at this stage the Chair should not allow any amendment like this. Sir Nazimuddin may say what he wants to say on this point.

Mr. HUMAYUN KABIR: Before Sir Nazimuddin speaks, may I say a few words for one minute only? And it is this: this proviso has been provided for in another amendment of a similar nature of which I gave notice sometime about the end of the last month. Therefore, there is not much in the nature of a novelty in this amendment which is now being brought forward as an amendment to my amendment by Mr. Lalit Chandra Das.

Mr. PRESIDENT: It is not a question of novelty that stands in the way. As I have said, the question is whether Government will agree to consider this amendment at this late stage or not.

The Hon'ble Khwaja Sir NAZIMUDDIN: The difficulty is that this flash of genius on the part of Mr. Kabir has been found to be unworkable and now this new amendment has been put forward. Government cannot agree to its admission. That is all, Sir, that I have got to say.

Mr. PRESIDENT: Mr. Das, have you anything to say against this?

Mr. LALIT CHANDRA DAS: Well, Sir, if at this stage, I am not allowed to move this amendment, not on a consideration of the merits of the amendment, then what can I say?

Mr. PRESIDENT: I will now put Mr. Humayun Kabir's motion to vote. The question before the House is: that for clause 4 of the Bill, the following the substituted, namely:—

"In section 8 of the said Act, for all the words beginning with 'Muhammadans in any constituency' up to the end of the section, the following shall be substituted, namely:—

'Muhammadans and members of the Scheduled Castes in any constituency shall be as stated therein in columns 4 and 5 respectively against that constituency:

Provided that a Hindu or a Muhammadan candidate, in order to be declared duly elected, must secure not less than twenty-five per cent. of the votes cast by voters of his own community and not less than ten per cent. of the votes cast by voters of the other community respectively'."

The House divided :—

AYES—15.

Chakraverty, Mr. Shrish Chandra.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Dutta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahdur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Mukherji, Rai Bahadur Satis Chandra.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Roy, Mr. Amulyadhan.
Sanyal, Mr Sachindra Narayan.

NOES—35.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Khan Bahadur Rezzaqul Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hossain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ross, Mr. J. B.
Roy Chowdhury, Mr. Krishna Chandra O.B.E.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.

(The amendment was lost.)

Mr. PRESIDENT: The next amendment of Mr. Humayun Kabir, No. 113, is practically the same as the previous one. Mr. Kabir, do you like to move 114 or 115?

Mr. HUMAYUN KABIR: I would like to move 114 and not 115, Sir.

Sir, I move that for clause 4 of the Bill, the following be substituted, namely:—

"4. In section 8 of the said Act after the word 'Muhammadans' the words 'Anglo-Indians, Indian Christians or members of the Scheduled Castes,' shall be inserted."

Sir, I do not propose to take much time in discussing this amendment. I will only say this that there has yet been no decision as regards the Schedule in this House and there are certain amendments which, if they are carried, might create a contingency in which even though there may be separate seats reserved for Muhammadan candidates through special electorates, it may also be that Muhammadan candidates will be entitled to contest general seats as well. If such a contingency should arise, if that subsequent amendment is carried, then and then alone an amendment of this type is necessary, and it is in order to leave open that possibility so that even after accepting 22 or whatever may be the number of seats which are secured to Muslims through Muslim electorates, if they are allowed to contest seats in the general electorates as well in addition, in order to maintain the possibility of that contingency, that I beg to move this amendment. And this will only ensure that Muslims and Anglo-Indians and Indian Christians or members of the Scheduled Castes may also contest certain seats in the general constituencies.

Mr. PRESIDENT: Amendment moved that for clause 4 of the Bill, the following be substituted, namely:—

"4. In section 8 of the said Act after the word 'Muhammadans' the words 'Anglo-Indians, Indian Christians or members of the Scheduled Castes', shall be inserted."

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose the amendment on behalf of Government. If there had been reserved seats and not separate electorates, this amendment might have been considered, but when there are separate electorates there is no reason why a member of one community should be permitted to stand for seats reserved for other communities.

Mr. PRESIDENT: The question before the House is that for clause 4 of the Bill, the following be substituted, namely:—

"4. In section 8 of the said Act after the word 'Muhammadans' the words 'Anglo-Indians, Indian Christians or members of the Scheduled Castes', shall be inserted."

(The motion was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in clause 4 of the Bill, for the words "members of the Scheduled Castes in any general constituency" the words "Muhammadans and members of the Scheduled Castes in any general constituency", be substituted.

I think, Sir, it was an oversight on the part of the framers of the Bill to have left it out. Section 8 of the Calcutta Municipal Act reads thus, "elected councillors shall be elected by constituencies specified in schedule 3 and the number of councillors to be elected for each constituency and number of seats to be reserved for Muhammadan in any constituency shall be as stated therein against that constituency" so that the words "Scheduled Castes" may be added after the word "Muhammadan". That is what the amendment aims at. It is only with respect to the number to be mentioned as against that constituency. It is a harmless amendment and it may be accepted by the House.

Mr. PRESIDENT: Amendment moved: that in clause 4 of the Bill, for the words "members of the Scheduled Castes in any general constituency" the words "Muhammadans and members of the Scheduled Castes in any general constituency", be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 4 of the Bill, for the words "members of the Scheduled Castes in any general constituency" the words "Muhammadans and members of the Scheduled Castes in any general constituency" be substituted.

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that clause 4 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: Now, I shall take sub-clause (*1*) of clause 3, where the total number of elected members of the Corporation Council is sought to be fixed. The various amendments tabled by Khan Sahib Abdul Hamid Chowdhury, Mr. Kamini Kumar Dutta, Mr. Ranajit Pal Chowdhury to this sub-clause deal with details. But the clause gives only the number of elected members. So I shall take for consideration only the number. For example, in Khan Sahib Abdul Hamid Chowdhury's amendment for clause (*a*) the following shall be substituted, namely, 89 councillors and not the later portion. I am now speaking of amendment No. 7.

The House has now accepted the constituencies. It has also fixed the number of the nominated members and decided on the proposals for their disposal. But we have not fixed the number of elected councillors. That we have to fix now. In the Calcutta Municipal

Act itself, clause 1 of section 5 (*a*) only gives the number, but the disposal of the number is dealt with in the Schedule. Clause 3 of the present Bill, as it has come from the other House, says that for the word "seventy-seven" the word "eighty-five" shall be substituted. I shall now take into consideration the number only and not how they are to be distributed. They will be taken up when we shall deal with the Schedule about the distribution.

Mr. KAMINI KUMAR DUTTA: May I say something, Sir? No doubt, Sir, as this section 5 stands in the original Act, it only deals with the number and the amendment which has been accepted as well as the one now before us, I mean sub-clause (*1*) of clause 3 also deals only with the number.

Mr. PRESIDENT: But not the disposal.

Mr. KAMINI KUMAR DUTTA: That has been done in the schedule, Sir. I think, Sir, after the acceptance of the amendment of clause (*b*)——

Mr. PRESIDENT: That was about nominated members. The House has reduced it and also decided how those four seats are to be distributed.

Mr. KAMINI KUMAR DUTTA: We have not as yet fixed that. We have only reduced the number. So, Sir, by this amendment this House has been placed in a different position altogether. The only effect of that amendment of clause (*b*) has been that instead of 8 councillors, the number to be appointed by the Provincial Government has been reduced to 4. So, as to the other 4 seats, up till now the House has not made any provision at all. So, amendments were given in respect of clause (*a*) of sub-clause (*1*) in order to indicate in which way the House wishes to proceed in respect of the four seats released from nomination. Now, the position is that unless this amendment is found to be out of order—if it is found out of order it goes out—and my contention is that it is not out of order——

Mr. PRESIDENT: Order, order. You need not contend that. I should like to hear the Government as to how they would like the amendments to be taken up.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it would seem that the statement made by the hon'ble member opposite appears to be correct. All that has been done by this House is, as you yourself stated, Sir, that the number of nominated seats has been reduced by 4. Now, it is for the House to consider whether they propose dealing

with these 4 seats which have been reduced or not. It may be that the House may be of opinion that they would not deal with these seats allowing them to stand as they are, leaving therefore 85 elected seats and 4 nominated seats and until, in our opinion, the House decides as to what will be the extra 4 seats, it will be very difficult to fix the number without prejudging the issue. Unless, therefore, the number of seats are fixed, all amendments may be taken.

Mr. PRESIDENT: As there is no objection from anybody in taking up this amendment, amendment No. 7 may now be taken up.

Khan Sahib ABDUL HAMID CHOWDHURY: I beg to move that in clause 3 of the Bill, for sub-clause (*1*) the following be substituted, namely:—

"(*1*) for clause (*a*) the following shall be substituted, namely:—

"(*a*) Eighty-nine elected councillors of whom twenty-three shall be Muhammadans and fifty shall be other than a Muhammadan or an Anglo-Indian but shall include seven members of the Scheduled Castes for the seats reserved for them and the remaining sixteen of the Special, Anglo-Indian and Labour Constituencies shall be as stated in Schedule III'."

Sir, on the 29th of May last when I moved my first amendment which has been accepted by the House, I clearly explained the underlying principle of my amendment, and what I did I did with the best of motives. My amendment was to reduce the nominated seats by 4 and to distribute the 4 seats thus released in a way so that 3 should go to the Scheduled Castes and one to the Muhammadans. In the Bill under consideration, out of 8 nominated seats, 3 were ear-marked for the Schedule Castes and in all fairness to that community I did not want to reduce that number. I only made this change that these 3 Scheduled Caste members should come in not through the back-door of nomination but through election.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I rise on a point of order. And I am raising this point of order as regards the admissibility of this amendment, because this amendment was received after the time for receiving amendments had expired. You Sir, directed that if it was consequential, that is, if it followed from the acceptance of the amendment moved by Khan Sahib Abdul Hamid Chowdhury on the 29th May, then notice of amendments which were consequential to that amendment could be given. But, can it be said that it is a consequential

amendment following from the acceptance of that amendment? What that amendment said was that Government decided that there should be 8 nominated councillors, but the House decided that there should be 4. Therefore, there was no linking of that number with any other number, so far as the Bill is concerned, except the number 8. There were 85 councillors proposed and those 85 are now attempted to be altered by the amendment of which notice was given long after the original proposal of Government was made. Therefore, it is no consequential amendment which follows from the acceptance of the Khan Sahib's amendment. And if this motion is taken to be a motion of which notice was given in time, then what I submit is that your direction should have been that the time for sending amendments is extended, and therefore we would have been in a much better position to give amendments to all the other clauses. Therefore, this particular amendment No. 7 is neither consequential nor can it be said to be dependant upon the decision of the House, because there is no clause in the Bill which says that the total number of the House excepting the Aldermen shall be 93. The provision of clause 3 in the Government Bill is that 85 shall be elected and further 8 stall be nominated. If there was any amendment which was within the scope that could only be done immediately within the time given or before any cut was made and the number was reduced to 4, and 4 was added to 85 to make it 89. I submit, therefore, that notice of this amendment was not given in time and not being given in time, I think it is out of order. If you are going to take it up now, then you will be depriving a good many members from giving notices of further amendments.

Mr. KAMINI KUMAR DUTTA: Sir, there is a similar amendment standing in my name and of Mr. Naresh Nath Mookerjee and that was given notice of within the original time fixed for the amendments.

Mr. HAMIDUL HUQ CHOWDHURY: I do not object to Mr. Dutta's amendment but to the amendment of Khan Sahib Abdul Hamid Chowdhury on the ground I have mentioned.

Mr. PRESIDENT: I find that notice of the Khan Sahib's amendment was received on the 22nd May, 1939, and notice of a similar amendment was received from Mr. Kamini Kumar Dutta about the same date. The President has the discretionary power to accept any amendment and in any order he likes. As I find that there is a similar amendment in the name of another hon'ble member, I allow the Khan Sahib to move his amendment.

Mr. HUMAYUN KABIR: May I make one submission, Sir?

Mr. PRESIDENT: No; no submission is necessary.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, in support of my amendment, I would say this. I have already said that I gave notice of this amendment with the best of motives. The good relationship and harmony between the two major communities of the province as well as the interests of my own community were uppermost in my mind. I see no reason why my present amendment should be opposed when by it my own community will be the gainer by one seat. Before I conclude, Sir, I think I owe an explanation to my party. When I first moved the amendment which has already been accepted and which is practically a part of my main amendment, there was no party mandate before us and in moving that amendment I then made my position absolutely clear. I made a statement explaining the principle underlying that amendment. So, I hope that I shall not be misunderstood in any quarter when I move this amendment. I am still clear in my conscience and clear to God overhead that what I have done I have done with the best of motives. With these few words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Amendment moved that: in clause 3 of the Bill, for sub-clause (*1*) the following be substituted, namely:—

"(*1*) for clause (*a*) the following shall be substituted, namely:—

'(*a*) Eighty-nine elected councillors of whom twenty-three shall be Muhammadans and fifty shall be other than a Muhammadan or an Anglo-Indian but shall include seven members of the Scheduled Castes for the seats reserved for them and the remaining sixteen of the Special, Anglo-Indian and Labour Constituencies shall be as stated in Schedule III'."

Mr. LALIT CHANDRA DAS: Sir, I rise to support the amendment——.

The Hon'ble Mr. H. S. SUHRAWARDY: May I suggest that it would perhaps be better if all the other amendments on this clause were moved together?

Mr. PRESIDENT: Yes, I accept the suggestion. Let all the amendments be moved together and the House would consider them together. That will save time.

Mr. Kamini Kumar Dutta will now move his amendment.

Mr. KAMINI KUMAR DUTTA: Sir, I beg to move that in clause 3 of the Bill, for sub-clause (*l*), the following be substituted, namely:—

"(*l*) for clause (*a*) the following shall be substituted, viz.:—

'(*a*) Eighty-nine elected councillors of whom twenty-three shall be Muhammadans and fifty shall be other than a Muhammadan or an Anglo-Indian but shall include seven members of the Scheduled Castes for the seats reserved for them and the remaining sixteen shall be as stated in Schedule III'."

Sir, this amendment, it would appear, follows almost as a necessary corollary to the amendment accepted by the House to sub-clause (*b*) of clause 3. In sub-clause (*b*) of clause 3 of the Bill, it was provided that 8 councillors would be appointed by the Provincial Government of whom 3 shall be members of the Scheduled Castes and the remainder shall represent other minority interests and so on and so forth. But, by the amendment already accepted by this House that portion has been deleted up to "the Scheduled Castes". The number of councillors to be appointed by the Provincial Government has been reduced to 4. But the effect of that amendment has not stopped there and it has gone further. Because in the Bill it was provided that out of 8 councillors to be appointed by the Provincial Government, 3 shall be members of the Scheduled Castes, so that there was a clear provision for putting a fetter upon the discretion of the Government as to the nomination in so far as it laid down specifically that 3 at least of the councillors to be nominated must be members of the Scheduled Castes. The Bill has also provided for 4 members of the Scheduled Castes to be elected in the general constituency. Seats have been reserved for them to the extent of 4. So, in the Bill provision was made for 7 members coming from the Scheduled Castes, 4 seats reserved for them by election through the general constituencies and 3 by the process of nomination. After the deletion of that clause by the amendment which was accepted by the House, the question naturally arises what provision is to be made as regards the 3 other seats for the members of the Scheduled Castes for which it seems the Bill had originally provided. Therefore, the present amendment aims at nothing more than this that it includes 7 members of the Scheduled Castes for the seats reserved for them. Practically, the number provided for the members of the Scheduled Castes by nomination has been transferred only to the arena of election by this amendment. Instead of coming by the back-door of nomination, this amendment provides that 3 more Scheduled Caste members shall be members of the Corporation by the process of election. Certainly, it is a better provision than the one which was originally made in the Bill and which this House by its own vote has

really found that it was not a proper and happy state of things. This amendment goes further; by the acceptance of the amendment to that clause another seat has also been released from nomination and that seat by this amendment has been given to a Muhammadan to be chosen by election. So, this amendment of clause (*a*) is apparently an equitable and fair amendment and it is certainly an improvement upon the Bill as it was presented to this House. By the Bill, provision was made for 8 councillors to be nominated which was reduced to 4 and these 8 included 3 of the Scheduled Caste. By this present amendment, provision is made for these 3 seats for the Scheduled Caste members and that by the open door of election. Instead of being henchmen of Government, these 3 members would be recruited from the Scheduled Castes by the open door of election and so, this amendment has gone further——

Mr. PRESIDENT: Order, order. The House now stands adjourned till 8 a.m. to-morrow.

Adjournment.

The Council then adjourned till 8 a.m. on Wednesday, the 21st June, 1939.

Members absent.

The following members were absent from the meeting held on the 20th June, 1939:—

(1) Mr. Humayun Reza Chowdhury.

(2) Alhadj Khan Bahadur Shaikh Muhammad Jan.

(3) Begum Hamida Momin.

(4) Rai Sahib Jatindra Mohan Sen.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 21st June, 1939, at 8 a.m., being the twenty-second day of the Second Session, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. Satyendra Chandra Mitra) was in the Chair.

QUESTIONS AND ANSWERS

The Midnapore College.

101. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether it is a fact that the Midnapore College was a Government institution and transferred to the Midnapore Municipality "not as a measure of economy, but as a measure promising useful political results", and as the object was not attained, the college at the suggestion of the Commissioner of the Burdwan Division, was retransferred to the Government and the District Magistrate of Midnapore took over charge and possession, on the basis of an agreement, on the 27th March, 1923, on behalf of the Secretary of State for India in Council, and since then is managing the college with the help of a Governing Body consisting, besides the District Magistrate who is the *ex-officio* President, of five members nominated by Government and three members of the college teaching staff including the Principal as *ex-officio* Secretary;

(*b*) whether it is a fact that the Governing Body, as they had no separate source of income, raised several times the question of the financial responsibility of the college, and at the meeting held on the 2nd April, 1930, with the late Mr. Peddie as the President, resolved that "the Governing Body would not be in a position to remain responsible for the control of the institution", and at the request of the President the whole matter was referred for opinion to the Legal Remembrancer who held that the college should be treated as a Government college and financed accordingly;

(c) whether it is a fact that on account of financial difficulties the Governing Body have not been able to open the B.A. classes (the B.Sc. classes were opened in 1922) in spite of their best endeavour although there is a great demand for the same;

(d) whether it is a fact that the monthly grant of Rs. 854 paid from 1926-27 to 1930-31 to the college was later on very much reduced and although the grant for 1938-39 was raised to Rs. 729 per mensem, and an additional grant of Rs. 30 for ten months only was sanctioned, the Governing Body had considerable difficulty in making two ends meet; and

(e) whether it is a fact that the Governing Body of the college sent a deputation to wait on the Hon'ble Minister on the 12th August, 1937, to represent all facts and invited him to Midnapore to see things for himself and whether he proposes to pay a visit to the college?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mallick on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) In 1886 the management of the Midnapore College was transferred to the Midnapore Municipality in pursuance of the then policy of Government to withdraw from the charge of "institutions of a high order, especially colleges". The retransfer of the college in 1923 was in consequence of mismanagement by the Municipality.

(b) and (c) Yes.

(d) Yes; but the additional grant sanctioned during 1938-39 was Rs. 50 per mensem and not Rs. 30 per mensem.

(e) The Hon'ble Chief Minister will try and pay a visit to the college when he is at greater leisure than at present.

The All-Bengal Registration Employees' Association.

102. Mr. SHRISH CHANDRA CHAKRAVERTI: (a) Is the Hon'ble Minister in charge of the Education Department aware of the fact that the Government issued a letter to the Secretary of the All-Bengal Registration Employees' Association, dated the 31st March, 1939, communicating the decision that Government did not see their way to recognise the Association?

(b) Is it a fact that Government did not send any letter of instruction or advice regarding addition, alteration or modification of the rules of the All-Bengal Registration Employees' Association as is generally done before recognition by Government of the Government servants' unions and trade unions? If so, what are the reasons for Government's not doing so?

(c) Will the Hon'ble Minister be pleased to state what are the rules and regulations for recognition by the Government of Government Industrial and Ministerial Employees' Union?

(d) Is it a fact that the unions of Government employees of Press, Process-Servers, Civil Courts, Postal, Telegraph, etc., have office-bearers who are mostly chosen from among the members of the public, such as, journalists, lawyers, members of the Legislature, etc., and no objection has ever been raised by the Provincial Government on that ground?

(e) If so, why the Registrar of Assurances, Calcutta, and Inspector-General of Registration, Bengal, raise objections from time to time against their Employees' Association called the All-Bengal Registration Employees' Association, the object of which is well-defined under the Trade Union laws passed by the Legislature and rules framed by the Provincial Governments?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes.

(b) Yes, because no question of addition, alteration or modification of the rules for purposes of recognition arose.

(c) A copy of the rules for recognition by Government of the Associations of Government employees other than associations in which special rules for industrial employees apply, is placed on the table.

(d) The Hon'ble Chief Minister is not aware whether the facts are as stated, but in the present case, it was reported to Government that very few employees of the Registration Department were members of the Association, and in these circumstances the predominance of outsiders among the office-bearers was not condoned.

(e) Because the Association has not been recognised by Government.

Statement referred to in the reply to clause (c) of the question No. 102, showing the Rules for the Recognition by Government of Associations of Government employees other than Associations to which special Rules for Industrial employees apply.

RULES.

PART A.—RULES APPLICABLE TO GOVERNMENT EMPLOYEES IN DEPARTMENTS OTHER THAN THE POLICE AND PRISONS DEPARTMENTS.

1. Government is prepared to accord official recognition to associations of its employees which comply with the conditions set out in the following rules. Representations from such associations, whether

made orally by deputation, or presented in writing, may be received by Government officers, subject to the conditions set out in these rules, and notwithstanding anything contained in the rules relating to the submission of petitions and memorials by Government servants.

Note.—Nothing in these rules affects the discretion of the Governor-General and the Governor or other Head of a Province to receive or not to receive a deputation from any association.

2. The association must ordinarily consist of a distinct class of Government employees.

3. Every Government employee of the same class must be eligible for membership of the association.

4. Ordinarily, Government will not object to persons who are not in the active service of Government being office-holders of the association, but Government reserves the right in particular cases of refusing recognition to an asociation of which all the office-holders are not either in the active service of Government or honourably retired officers belonging to the same class of Government employees as the association represents.

5. No representation or deputation will be received, except in connection with a matter which is, or raises questions which are, of common interest to the class represented by the association.

6. Government may require the regular submission, for its information, of copies of the rules of the association and the annual statement of its accounts and of lists of its members.

7. Government may specify the channel through which representations from the association shall be submitted and the authority by whom deputations may be received.

8. The officer who is empowered to grant leave to a Government employee will, so far as is possible, grant casual leave to an employee who is a representative of a recognised association to attend duly constituted meetings of the association. The grant of such leave will be subject to the exigencies of the service, of which the officer in question shall be the sole judge.

9. (1) In these rules unless the context otherwise requires, "Government" includes a local Government and a Department of the Government of India.

(2) A local Government or a Department of the Government of India may delegate any of its powers under rules 1 to 8 to any authority subordinate to it.

(3) A local Government or a Department of the Government of India may make subsidiary rules relating to recognition of associations of classes of Government employees subordinate to it.

The restoration of grants to non-Government institutions.

103. Rai Bahadur KESHAB CHANDRA BANERJEE (on behalf of Rai Bahadur Brojendra Mohan Maitra): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that during the last Civil Disobedience Movement the Government of Bengal stopped grants-in-aid to several non-Government institutions?

(*b*) If so, how many institutions were deprived of this benefit because of the stoppage?

(*c*) If the answer to clause (*a*) be in the affirmative, is Government considering the desirability of restoring grants-in-aid to those institutions?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick on behalf of the Hon'ble Mr. A. K. Fazlul Huq): It has not been possible to collect the information in time for this session.

The Electric Supply Corporation.

104. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) whether in the course of discussion on the Adjournment Motion in the Bengal Legislative Assembly on the 8th February, 1938, concerning the Electric Supply Corporation, the Hon'ble Messrs. Suhrawardy and Sarker informed the House that steps were being taken towards the eventual nationalisation of the Calcutta electricity undertaking and their ultimate transfer to public ownership;

(*b*) if the answer be in the affirmative, what definite step or steps have since been taken towards the fulfilment of that undertaking;

(*c*) whether any of the Ministers of the Bengal Cabinet did subsequently visit the United Kingdom; if so, whether during his visit he was authorised to discuss the question of supplying electricity to Calcutta with any of the Directors or officials of the Calcutta Electric Supply Corporation's headquarters in the United Kingdom;

(*d*) if the answer to clause (*c*) be in the affirmative, what was the result of such a discussion or negotiation;

(*e*) if the answer to the second part of clause (*b*) be in the negative, whether such a Minister during his stay in the United Kingdom met any of the headquarter officials of the said Corporation in an informal way or even on a friendly visit; and

(*f*) if so, whether such an informal talk was in any way connected with the contemplated scheme of nationalisation of the electricity undertakings in Calcutta?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes. The Hon'ble Mr. Suhrawardy made the statement in question on the floor of the House on the 8th February, 1938.

(*b*) Mr. Redclift, Electrical Adviser to the Government of Bengal, has been placed on special duty to prepare a preliminary report on the subject.

(*c*) to (*f*) The Hon'ble Minister visited England during January and December last. I am unable to follow the hon'ble member's question regarding authority. He met some Directors of the Calcutta Electric Supply Corporation in London and they have submitted a memorandum.

Mr. RANAJIT PAL CHOUDHURY: With reference to answer (*c*) and (*f*), was the visit to the Directors made with the consent of the Government of Bengal?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, the Hon'ble Minister went to England on account of the illness of his son, and while there he took the permission of the Government of Bengal to consult the Directors, because there was already a summary submitted by the Directors in regard to some aspects of the operations of the Calcutta Electric Supply Corporation and he took permission of the Government of Bengal to see the Directors. But I may inform the House that the Hon'ble Minister went to England on his own responsibility.

Mr. KAMINI KUMAR DUTTA: Before the Hon'ble Minister went to England, had he had any discussion with the Ministry over this matter, namely, whether he should have any discussion with the Directors of the company there?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The Hon'ble Minister had to leave in a hurry—it was a special case as

his son was so seriously ill—and therefore could not consult his colleagues here, but when he went to England he wrote to the Government and took the permission of his colleagues to discuss the matter with the Directors.

Mr. KAMINI KUMAR DUTTA: Did the Ministry give him any special direction as to the lines on which he should discuss the matter with the Directors?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: So far as I am aware, I think the Ministry did not give him any special direction.

Mr. KAMINI KUMAR DUTTA: My question was—did the Ministry give any direction at all and, particularly, was any direction given on the lines indicated in sub-clause (*a*) "towards the eventual nationalisation of the Calcutta electricity undertakings and ultimate transfer to public ownership;" was any instruction given to the Hon'ble Minister towards the attainment of this particular object?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

Mr. KAMINI KUMAR DUTTA: Did Government bear the expenses of the journey of the Hon'ble Minister to England?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

Mr. RANAJIT PAL CHOUDHURY: Had the Hon'ble Minister any intention to enter the Board of Directors of the company?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: This is a question, Sir, which I cannot answer.

Mr. KAMINI KUMAR DUTTA: Did the Hon'ble Minister submit any report as a result of his discussion with the Directors?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As the Assembly and the Council have both been in session for a long time, the Hon'ble Minister has had no time as yet to submit his report.

Mr. KAMINI KUMAR DUTTA: Did the Ministry think it fit to ask the Hon'ble Minister to submit any report and has any requisition been made for that report?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The Ministry is aware that all the Ministers are just now so busy with work in the Legislature that they have not considered it fit to ask for a report at the present moment. As soon as the Legislature is prorogued, the Hon'ble Minister will be asked to submit a report.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether the Ministry at all intend to ask him for any report, and if so, within what time?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The Hon'ble Minister in charge of the Commerce Department knows his duties quite well, and I am sure he will submit his report without being asked for it by the Cabinet.

Mr. KAMINI KUMAR DUTTA: Arising out of answer (*b*), was any time-limit fixed for Mr. Redclift to submit his report?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice, Sir.

Mr. KAMINI KUMAR DUTTA: Has any report been submitted by Mr. Redclift?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice of this question also.

The revised list of the Scheduled Castes.

105. Rai Bahadur SURENDRA NARAYAN SINHA: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to place on the table a revised list of the castes who are included in the Scheduled Castes?

(*b*) Will the Hon'ble Minister be pleased to state whether their claim will be considered at the time of nomination to the Union Boards and local bodies?

MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) The hon'ble member is referred to the list of Scheduled Castes for Bengal specified in Part III of the Schedule appended to the Government of India (Scheduled Castes) Order, 1936, on page 46 of Part II, Volume I, of the Bengal Legislative Manual.

(*b*) The claims of the Scheduled Castes receive careful consideration at the time of making nominations to Union Boards and other local bodies.

The President of the Salap Union Board.

106. Rai Bahadur BROJENDRA MOHAN MAITRA: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the Commissioner of the Rajshahi Division passed on the 5th December, 1938, an order under section 56 (*7*) of the Bengal Village Self-Government Act, 1919, removing Mr. Sailaja Kumar Sanyal from the presidentship of the Salap Union Board?

(*b*) Is it a fact that Mr. Sanyal has preferred an appeal with the Government of Bengal, Local Self-Government Department, under date 14th December, 1938, against the said order of the Commissioner of the Rajshahi Division, removing him from the presidentship of the Union Board and praying for his restoration to presidentship and membership of the Board and to give effect to the order of the Local Government passed in August, 1938, annulling the District Board resolution?

(*c*) Has the Local Government passed any order for his restoration?

(*d*) If not, does the Hon'ble Minister propose to pass an order of his reinstatement immediately?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) and (*b*) Yes.

(*c*) and (*d*) No.

The election of the Bankura Sadar Local Board.

107. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*a*) whether the election of a Circle Officer or a Subdivisional Officer, Sadar, as a member of a Local Board, is contrary to the principles laid down in the Bengal Government Circular No. 21, dated the 8th March, 1911, and if so, will the Hon'ble Minister be pleased to lay a copy of the circular on the table;

(*b*) whether the Circle Officer, Bankura Sadar, was appointed *ex-officio* member of the Bankura Sadar Local Board by virtue of his office or by name;

(*c*) whether the said Circle Officer was qualified for election under section 9 (*2*) of the Local Self-Government Act of 1885, as amended by section 2 (*1*) of the Bengal Village Self-Government Act, 1919, or under rule 59 of the Election Rules under Local Self-Government Act;

(*d*) whether it is a fact that the Circle Officer, Bankura, was proposed and seconded for District Board Election by designation of his office and not by name at the special meeting of the Local Board held on the 20th April, 1938;

(*e*) whether the said Circle Officer is a resident within any Union Board in the said district and whether his name appears on the list of persons qualified to vote at the election of the Bankura Sadar Local Board; and

(*f*) what is the basis and reason of the publication of the corrigendum inserting the name of "Babu Suresh Chandra Ghosh" before "Circle Officer, Bankura Sadar", among the list of elected persons to serve in the Bankura District Board, in the *Calcutta Gazette* of the 23rd March last?

MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) The circular as it stands does not apply to Circle Officers or to election to Local Boards. The question of the application of the principle embodied therein to Circle Officers or to election to Local Boards is receiving the consideration of Government.

(*b*) The Circle Officer, Bankura Sadar, was appointed an *ex-officio* member of the Bankura Sadar Local Board.

(*c*) and (*e*) The Circle Officer is neither a resident within any union in the district nor entitled to vote at an election of the Bankura Sadar Local Board. He was not, therefore, qualified for election to this Local Board under section 9 (*2*) of the Local Self-Government Act. But as he had a clear income of not less than one thousand rupees and a fixed place of abode within the Sadar subdivision he was, according to the High Court ruling reported in 36 Cal. Weekly Note, page 1165, qualified for election to the Sadar Local Board under section 13 of the Local Self-Government Act, and he was therefore qualified, under rule 59 of the Election Rules framed under that Act, for election to the District Board.

(*d*) and (*f*) The Circle Officer was proposed for election to the District Board by virtue of his office. But as rule 60 of Election Rules under the Local Self-Government Act requires that the names of the elected members of the District Board shall be published in the Gazette, his name was published in the corrigendum No. 285L.S.-G., dated the 16th March, 1939, rectifying an accidental omission in the list of members elected by the Sadar Local Board published in Notification No. 236L.S.-G., dated the 4th March, 1939.

Debt Settlement Boards.

108. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be

pleased to state how many (*i*) Ordinary Debt Settlement Boards, and (*ii*) how many Special Debt Settlement Boards have been established in the district of Chittagong?

(*b*) How many cases have been filed in these Boards and for what amount of claims? How many of these cases have been settled up to this date by these Boards and for what amounts and out of what amounts? How many cases are still pending in these Boards and for what amounts of claims?

(*c*) Is it a fact that many debtors other than *bona fide* agriculturists are resorting to these Boards with a view to harassing the creditors? If so, what measures have been adopted by the Government to prevent this misuse of the provisions of the Act in question?

(*d*) Is it a fact that in almost all cases the decisions of the Boards are modified by the Special Appellate Officers? If so, what steps the Government has taken to prevent this?

(*e*) How many appeals were filed before the Special Appellate Officers in the district of Chittagong? Of these, how many were allowed and how many were rejected?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) 62, and (*ii*) 5.

(*b*) A statement is laid on the table.

(*c*) No: Such applications are rejected either by the Board or by the Appellate Officer.

(*d*) No.

(*e*) 356, of which 97 were allowed, 132 rejected and 127 pending up to the 31st March, 1939.

Statement referred to in the reply to clause (b) of the question No. 108.

Number of cases filed	19,645
Number of cases settled	3,815
Amount of claims involved in such cases	Rs. 12,96,420
Amount awarded	Rs. 6,36,615
Number of cases pending	13,038
Amount of claims in pending cases	Rs. 68,60,532

N.B.—The figures are all up to the 31st December, 1938. The amount of claims for the total number of cases filed cannot be shown as the claims in cases dismissed, whose number is 2,792, are not shown in returns.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state how long these Debt Settlement Boards have been working in the Chittagong district?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as I remember, Sir, they have been working there for more than a year.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that at the rate of 3,000 cases per year it will take 100 years to dispose of all the agricultural debt settlement cases of Chittagong?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have had several occasions to explain to the House that when the Boards started work progress must have been naturally slow, but as they go on, progress becomes much quicker.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it a fact that a circular has been issued by the Government asking for quick disposal of these debt suits?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, Sir; circulars have been issued from time to time explaining to the boards, as to how they should proceed to make much quicker progress.

Rai Bahadur KESHAB CHANDRA BANERJEE: What has been the effect of the circulars so far?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The effect has been very hopeful; that is, progress has been very much quicker now.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it not a fact that in spite of these circulars the Debt Settlement Boards carry on their duties in a dilatory manner as before?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not agree with the hon'ble member; if such cases happen, we would have expected him to bring them to the notice of Government.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please look into the statement referred to in reply to clause (*d*) of the question? The statement is that the amount of claim is Rs. 68,60,532. Is it a fact that not a pice has been realised out of this? Does Government keep this information?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of this, because payments are to be made directly by the debtors to the creditors.

The appointment of the First Surgeon of Ophthalmology in the Medical College.

109. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state—

(*a*) whether it is a fact that Lt.-Col. E. O'G. Kirwan, the First Surgeon of Ophthalmology in the Medical College, has taken leave for six months preparatory to retirement;

(*b*) whether in his place Dr. T. Ahmed, Third Surgeon of Ophthalmology, has been appointed to act as the First Surgeon of Ophthalmology in the Medical College;

(*c*) whether Dr. Sushil Kumar Mukherjee is the Second Surgeon of Ophthalmology of the said College and is it a fact that he is a well-known eye specialist and whether he is an F.R.C.S., D.O., D.O.M.S.;

(*d*) whether the said Dr. Sushil Kumar Mukherjee is eight years' senior in service to the afore-mentioned Dr. Ahmed; what is the academic distinctions of the latter;

(*e*) whether the said Dr. Mukherjee had previously acted four times as the First Surgeon of Ophthalmology, first in 1930 and on the last occasion in 1938 under the regime of the present Ministry;

(*f*) whether in this particular case, the claims of Dr. S. K. Mukherjee were brushed aside by the Government and Dr. T. Ahmed appointed on the ground that he is a Muslim; and

(*g*) why claims of Dr. S. K. Mukherjee were superseded, and in what way and on whose advice Dr. T. Ahmed proved superior?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes, but the leave is not preparatory to retirement.

(*b*) to (*d*) Dr. T. Ahmed, Honorary Ophthalmic Surgeon, has been appointed to act as Professor of Ophthalmology in place of Colonel Kirwan. He was not the third Surgeon nor was Dr. Mukherjee the second Surgeon. Both the Honorary Surgeons were appointed on the same date and by the same order as Honorary Ophthalmic Surgeons in

the Eye Department in the Medical College Group of Hospitals. Both are F.R.C.S.(E) and D.O.M.S. [except that Dr. Mukherjee is D.O. (Oxon)]. Both are well-known eye-specialists.

(*e*) Yes.

(*f*) The answer to both parts of the question is emphatically in the negative. After carefully considering the records of both the Honorary Ophthalmic Surgeons, the appointment of Dr. Ahmed was made by Government in the best interest of the institution.

(*g*) No question of supersession arises in view of the answer to clause (*f*).

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether in making promotion, merit and seniority are the sole criteria irrespective of the question as to what community a man belongs?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to submit that in this case no question of promotion arises at all.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether in making the appointment in 1938 under the régime of the present Ministry, the claim of Dr. S. K. Mookerji was carefully considered in making him for the fourth time an honorary Ophthalmic Surgeon?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the appointment was not made by me. His claims must have been considered.

Mr. LALIT CHANDRA DAS: My question is whether when for the fourth time in 1938 he was appointed the First Surgeon of Ophthalmology, the claim of Dr. Mookerji was carefully considered by the present Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have already said that his claims must have been considered.

Mr. LALIT CHANDRA DAS: The words are "carefully considered."

The Dhurung khal.

110. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state whether it is a fact that the Dhurung *khal* in the Faticksery thana of the Chittagong district has become a public dumping ground of the refuse matters of the locality and a standing menace to the health of the people living in the neighbourhood of the said *khal* and whether large number of the villagers suffer every year from malaria and other similar diseases? Is it a fact that the accumulation of stagnant water in this *khal* and the growth of weeds in the same are the real causes for the spread of malaria in that area?

(*b*) Has the Hon'ble Minister taken any measures to keep this *khal*, running through many densely populated villages, in a perfectly sanitary condition? If so, what are they? If not, will the Hon'ble Minister be pleased to state what steps he proposes to take in regard to the improvement of the condition of this *khal* in future?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) The Dhurung *khal* is not used extensively as a dumping ground. Portions of its bed are, however, now under cultivation.

There has been an increase of malaria in the villages through which the *khal* passes as the water is stagnant owing to the *khal* being silted up.

(*b*) The area in question has been inspected by the Director of Public Health and the Assistant Director of Public Health. An anti-malaria scheme for the area including re-excavation of the Dhurung and another *khal* in the same locality has been framed by the Public Health Department and is now under the consideration of Government.

The Calcutta Municipal (Amendment) Bill, 1939.

Mr. PRESIDENT: The House will now resume further discussion of the Calcutta Municipal (Amendment) Bill, 1939. Mr. Kamini Kumar Dutta.

Mr. KAMINI KUMAR DUTTA: Sir, I was just explaining the object of my amendment when the sitting was adjourned yesterday. It is quite apparent, as I have already stated, that members of the Scheduled Castes were given three seats by nomination and as those seats have been released from the category of nomination, provision has to be made for them, and the only way in which this provision can be made is the process of election. At the same time, I may inform the hon'ble members that by this amendment the total number of

elected councillors as originally provided in the Bill is not going to be increased at all. Keeping the total number within the limit set down in the Bill, this amendment aims at only transferring the three members of the Scheduled Castes from the category of nomination to the sphere of election, and there is the further provision in the amendment that a further addition may be made to the contingent of Muhammadan councillors by increasing their number from 22 to 23. So, it will be seen that my amendment has not raised the question of increasing the number, as it has kept the number within the limit as laid down in the Bill itself. It inevitably follows that if there has been a reduction of four members from the category of nomination, the only necessary conclusion and the only course left would be to have recourse to election for filling up the requisite number. It cannot be dreamt even for a moment that it can be the intention of this House or it can be the intention of the Government to reduce the total number of members of the Corporation Council. The total number is not to be reduced. Then, I do not find any other solution of this problem except to fill up the four seats by the process of election. And in filling up these four seats by the process of election, members of the Scheduled Castes have a prior claim as the reduction has materially affected them. Out of the four nominated seats eliminated by the amendment already accepted, three seats did belong to them; and so very properly and naturally, fairly and equitably, the members of the Scheduled Castes can claim that they must have their promised quota in the Corporation. Now, since it has been already decided by the House that that number should not be filled up by the process of nomination, the only other course left is to have that quota filled up the process of election. So, keeping the total number as provided in the Bill intact, what my amendment suggests is that instead of having them as henchmen of the Ministry, they should come in by a method which would ensure the presence of the real representatives of the people. So, this amendment simply lays down that there should be seven members of the Scheduled Castes, that these seven seats should be reserved for them in the General Constituency and that all the seven seats should be filled up by election. Of these, the Bill has already provided for four and three more are to be provided. It further provides that as already we have got four seats released from the category of nomination, we can have one more Muhammadan to be added to the number 22 already provided for them in the Bill. So, looked at from any aspect, from any standpoint, I think no rational objection can be raised to my amendment. I cannot understand, I cannot comprehend what possible objection there can be to the acceptance of this amendment. Looking to the provision of the Bill itself, looking to the object of the Bill itself, I find there is no other alternative but to accept this amendment. Keeping the elected number to 89, the only provision by which that number can be provided for is to give the members of the Scheduled Castes their requisite number and to increase one more seat for the Muhammadans.

With these remarks, I do place my amendment for acceptance of the House.

Mr. PRESIDENT: Amendment moved that in clause 3 of the Bill, for sub-clause (*1*) the following be substituted, namely:—

"(*1*) for clause (*a*) the following shall be substituted, viz.—

'(*a*) Eighty-nine elected councillors of whom twenty-three shall be Muhammadans and fifty shall be other than a Muhammadan or an Anglo-Indian, but shall include seven members of the Scheduled Castes for the seats reserved for them and the remaining sixteen shall be as stated in Schedule III.' "

Mr. PRESIDENT: Mr. Ranajit Pal Choudhury, will you move your amendment?

Mr. KAMINI KUMAR DUTTA: Sir, it is not identical with my amendment.

Mr. PRESIDENT: Had it been identical, I would have ruled it out of order.

Mr. RANAJIT PAL CHOWDHURY: Sir, I beg to move that in clause 3 of the Bill, for sub-clause (*1*), the following be substituted, namely:—

"(*1*) for clause (*a*) the following shall be substituted namely——

Mr. HUMAYUN KABIR: On a point of order, Sir. May I make this submission that if amendments which are different in nature are discussed at the same time, it will only confuse the issues.

Mr. PRESIDENT: In order to save the time of the House, I thought that at least some of the amendments which are similar in object might be placed before the House and discussed together, though at the time of voting, I shall put them separately. There are 400 amendments and the House must realise that they must be disposed of within a reasonable time. No doubt, it is for the Government to see that their supporters do not make many speeches in order that the final passage of the Bill may be expedited; but it is also for the Chair to see that the time of the House may not be unnecessarily taken. We are in the midst of a protracted session. On a careful analysis, it would be seen that there is little difference between these amendments and that there is no likelihood of the issues being confused if they are considered together. Of course, as I have already stated, I shall put each amendment separately to vote.

Mr. RANAJIT PAL CHOUDHURY:

'(*a*) Eighty-eight elected councillors of whom twenty-two shall be Muhammadans and fifty shall be other than a Muhammadan or an Anglo-Indian including three seats for members of the Scheduled Castes reserved for them and the remaining sixteen shall be as stated in Schedule III'."

Sir, I formally move the amendment for the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill, for sub-clause (*1*), the following be substituted, namely:—"(*1*) for clause (*a*), the following shall be substituted, namely:—

'(*a*) Eighty-eight elected Councillors of whom twenty-two shall be Muhammadans and fifty shall be other than a Muhammadan or an Anglo-Indian including three seats for members of the Scheduled Castes reserved for them and the remaining sixteen shall be as stated in Schedule III'."

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in clause 3 of the Bill, for sub-clause (*1*) the following be substituted, namely:—

"(*1*) for clause (*a*) the following shall be substituted, namely:—

'(*a*) Eighty-nine elected councillors of whom twenty-three shall be Muhammadans and fifty shall be other than a Muhammadan or an Anglo-Indian but shall include seven members of the Scheduled Castes for seats reserved for them and the remaining sixteen consisting of the Anglo-Indian constituencies—2 seats, Labour constituencies—2 seats and the Special constituencies—12 seats, to be distributed as Bengal Chamber of Commerce non-territorial—5, Calcutta Trades Association—non-territorial—3, Calcutta Port Commissioners—non-territorial—one, the Bengal National Chamber of Commerce—non-territorial—one, the Bengal Muslim Chamber of Commerce—non-territorial—one, and the Marwari Chamber of Commerce—non-territorial one.' "

Sir, in moving this amendment I beg to submit that the Government promised seven seats to the Scheduled Castes. Four of these seats have already been allotted for election. Now, in the Bill as it has been passed by the Assembly, it has been very clearly stated in clause 3 that three of these seats would be ear-marked for the Scheduled

Castes people. In this House, Sir, clause 3 has undergone a change. By that change, the number of nominated members has been reduced from 8 to 4. Now, a certain principle has been laid down in clause 3 from which it will appear that certain other interests will also require to be represented by nomination, namely, to secure the association with the municipal administration of persons specially fitted, in the opinion of the Provincial Government, for appointment as councillors and to secure the representation of such minorities as are not specially represented by elected councillors. When four seats remain and these special and minority interests are to be represented including the interests of the Port Trust, there is no room whatsoever for making provsion for the Scheduled Castes people,—in view of the fact that this sub-clause has undergone a change by reducing the number of nominated members from eight to four. It, therefore, necessarily follows that these four seats must be distributed and given to election, of whom three must go to the Scheduled Castes people. The Government is in honour bound by the policy laid down in clause 3 of this Bill. And then there is another point of view from which the House should consider it. When my friend Khan Sahib Abdul Hamid Chowdhury moved his own amendment to clause 3 for reducing the number of nominated members from eight to four, he made a speech. His speech was clear. There was no ambiguity in it. He made it perfectly clear in his speech that he wanted that the three nominated seats of the Scheduled Castes people should be given over to election and then he in that speech also laid emphasis on the fact that one more seat should be given to the Muslims. After hearing his speech and also the speeches that followed supporting the speech of my hon'ble friend Khan Sahib Abdul Hamid Chowdhury, the whole House went to vote. Then, Sir, his speech was the deciding factor in this matter. The result of the voting was that the number of nominated seats was reduced from eight to four, and therefore the House is honour bound to distribute the four seats, one to the Muslims and three others to the Scheduled Caste people, and there is no room for any other course. It was not a speechless amendment that was moved by my friend Khan Sahib Abdul Hamid Chowdhury. The point was made very clear and distinct and there was not a single member in this House who in supporting the amendment made any other suggestion. Of course, the Coalition group which went to the Opposition Lobby made a speech opposing the reduction of the number, but they never in their speeches contended that in the event of the amendment being carried, these three seats for the Scheduled Castes should not go through election. Under these circumstances, I would submit that this House is honour bound to consider this question of four seats, and if the speech of my friend Khan Sahib Abdul Hamid Chowdhury be kept in view, there is no other course left for this House but to vote for this motion, namely, to give three seats to the Scheduled Castes and one to the Muslims.

With regard to the last portion of my amendment, in the previous amendment it has been said that the remaining sixteen seats shall be as stated in Schedule No. III. Schedule No. III as it stands reads differently. In schedule No. III, it is stated "the Bengal Chamber of Commerce non-territorial seats—6, the Calcutta Trades Association non-territorial—4, the Calcutta Port Commissioners non-territorial—2." Now, Sir, I was under the apprehension that if the amendment of my friend Khan Sahib Abdul Hamid Chowdhury be carried in the form as stated, even then a vote will have to be taken on the question of Schedule No. III. Undoubtedly, there are amendments in relation to the special clause constituency, namely, D—in Schedule III, which will come up later on, but those amendments are not before us now; so, I need not refer to them. So far as it now stands the motion actually gives those six seats in my view, of course, to the Bengal Chamber of Commerce, four to the Calcutta Trades Association, and two to the Port Commissioners, and herein I dissent. I say that some portion of the Government of India Act, 1935, was copied by the present Ministry in framing this amending Bill. Now in preparing special constituencies D in Schedule III, the Government have followed certain portions of the Government of India Act and given six seats to the Bengal Chamber of Commerce, four seats to the Calcutta Trades Association, and two seats to the Calcutta Port Commissioners. But I submit that they have overlooked the claims of the Bengal National Chamber of Commerce, they have overlooked the claims of the Muslim Chamber of Commerce, and they have also overlooked the claims of the Marwari Chamber of Commerce. If we look at the Government of India Act it will be seen that their claims were not overlooked, it will also be seen that seats were allotted to the Bengal National Chamber of Commerce, to the Muslim Chamber of Commerce and to the Marwari Chamber of Commerce as well. These are important Chambers of Commerce and their claims were considered just and proper. The British Government in framing the Government of India Act also allotted seats to them, and I do not know what reasons actually weighed with the present Government in giving the go-bye to the claims of the Bengal National Chamber of Commerce, the Muslim Chamber of Commerce and the Marwari Chamber of Commerce. If they were fit to take seats in the Legislative Assembly by virtue of their importance in trade and commerce, why should they, living, moving and having their being in Calcutta, why should these associations be deprived of their just rights of representation in the Calcutta Corporation? That is why I move this amendment keeping intact the total number of twelve seats for the Special Constituencies; I move that one seat be taken away from the Bengal Chamber of Commerce, one from the Calcutta Trades Association and one from the Port Commissioners, and these three seats be distributed one each among the Bengal National Chamber of Commerce, the Muslim

Chamber of Commerce, and the Marwari Chamber of Commerce. With these words, Sir, I move my amendment.

Mr. PRESIDENT: Amendments moved: that in clause 3 of the Bill, for sub-clause (*1*) the following be substituted, namely:—

"(*1*) for clause (*a*) the following shall be substituted, namely:—

'(*a*) Eighty-nine elected councillors of whom twenty-three shall be Muhammadans and fifty shall be other than a Muhammadan or an Anglo-Indian but shall include seven members of the Scheduled Castes for seats reserved for them and the remaining sixteen consisting of the Anglo-Indian Constituencies—2 seats, Labour Constituencies—2 seats and the Special Constituencies—12 seats, to be distributed as Bengal Chamber of Commerce non-territorial—5, Calcutta Trades Association—non-territorial—3, Calcutta Port Commissioners—non-territorial—one, the Bengal National Chamber of Commerce—non-territorial—one, the Bengal Muslim Chamber of Commerce—non-territorial—one, and the Marwari Chamber of Commerce—non-territorial—one.' "

These two amendments together with the two which were moved yesterday are now before the House and any member can address the House on any of these motions.

Mr. AMULYA DHAN ROY: Sir, I thank you most sincerely for giving me this opportunity to express my views on a matter over which the minds of the people are so much agitated. The hon'ble members of this House will kindly remember that they accepted the amendment of my hon'ble friend Khan Sahib Abdul Hamid Chowdhury which reduced the number of nominated councillors from eight to four, and took away the power of the Provincial Government to appoint three members of the Scheduled Castes. The Khan Sahib made it absolutely clear that he did not want to deprive the poor Scheduled Caste people of their right to have three seats to the Calcutta Corporation, but he wanted to substitute election for nomination which is against the principle underlying the terms of Poona Agreement by which we are bound to-day. Sir, the elected members owe their allegiance to the people and the nominated members will dance to the tune of the authorities who appoint them. Nomination will deprive the poor Schedule Caste people of their right of franchise and election will give them political training. Sir, I would submit here most humbly that while the majority o fthe Scheduled Caste members inside and outside the Legislature demand election, a quarter dozen of people, conscious

as they are of the wrong done to their community, want to have this pernicious system of representation by nomination for their self-preservation and family provision.

I would like to submit before the House another aspect of the question. The authors of the Bill originally provided for election and nomination did not find a place in it. Why then, Sir, are they in favour of nomination now? Does the Hon'ble Minister oppose the amendment on his own sweet will or according to the advice of the so-called representatives in the Cabinet who have been condemned by two-thirds of the Scheduled Caste members in the Bengal Legislative Assembly? Sir, I would appeal to every member to remember that this House accepted the amendment of the Khan Sahib on the assurance that these three seats should be given to the Scheduled Castes. I want to know in clear terms from the Hon'ble Minister whether he wants to give these three seats by election or by nomination or whether the Government wants to deprive them altogether of these seats?

Lastly, Sir, I would appeal to every member of this House to support this amendment in the interest of a community which is unable on account of its weakness to defend itself. With these words, I want to support the amendments of Khan Sahib Abdul Hamid Chowdhury and Mr. Kamini Kumar Dutta.

Mr. W. F. SCOTT-KERR: Mr. President, Sir, the result of this amendment of Mr. Lalit Chandra Das if adopted, would be to reduce the representation of the European community in the Corporation. Several amendments have been tabled in connection with the later clauses of the Bill of a similar nature. So, we shall have more to say on this subject when they come up for consideration. But at the moment all that is necessary to say is that our party definitely protest against any reduction in the representation of the European community in the Corporation. The seats that have been allotted to them—the ten seats—six for the Bengal Chamber of Commerce and four to the Trades Association—are the only way by which the European community has been accorded representation in the Corporation, and we do not feel that there is any justification for reduction of these seats in view of the very large interests that the European community have in the civic administration of Calcutta. There is no need to say more at the moment than that we cannot accept these amendments and most definitely oppose them.

Dr. RADHA KUMUD MOOKERJI: Sir, I rise to support, for the present, the amendment moved by Khan Sahib Abdul Hamid Chowdhury. But before I explain my arguments in support of this amendment, I should like with your permission to convey a word of congratulation by my friend Mr. Amulya Dhan Roy on the brilliant

maiden speech to which he has treated this Council to-day. The first point that I wish to submit in all humility to this Council is that this amendment is really a logical consequence of the amendment that this Council had passed the other day. I should have thought that this consequential amendment would have been under the rules allowed to be taken up on that very day, but I am sorry that our Standing Rules perhaps did not allow that to be done. But at the same time we, the members of this Council, all feel that when the first amendment was carried, it was not carried in beautifully vague and general terms. The amendment was not at all in the air, it was a sort of very concrete amendment and members of the Council must have, before making up their minds as regards the merits of that amendment, considered the details of the proposals which really form the very body of the amendment. Of course, the soul of the amendment had to be put forward first, but the soul has been given a body and a shape in this amendment. The soul and its vehicle must go together as organic parts of the same system. I therefore appeal to the sense of logic and to the sense of fairness in the members of the Council to acknowledge that we should not try to practise a kind of intellectual dishonesty in this matter. If you are really intellectually honest, I make bold to say that this Council has no other option than to follow up the consequences of what they had passed with their eyes open. And, therefore, I say that this Council has been already committed in advance to the provisions of this amendment of Khan Sahib Abdul Hamid Chowdhury which has followed strictly as the natural and logical consequence of what we adopted the other day. Now, coming to the details of the provisions of the amendment, what is there to which our friends opposite are inclined to object? There is nothing very startling in this proposal. It is a very, very fair, just and inoffensive proposal. It is a proposal which affects a particular community and my friends opposite remind me of a very wholesome provision—I am sorry I am an academic man and therefore I must indulge in academic platitudes—my friends remind me of a wholesome provision in the Turkish Constitution, wherein it is laid down that the Turkish Legislature should allow matters affecting a community to be decided by that community. That is to say, the Legislature would set up a sub-committee of the members of a particular community affected by a proposal brought forward before the Legislature and the representatives of that community should be permitted by the Legislature to adjust their domestic differences in their own way. Now, the principle of that very wholesome constitutional provision which operates not merely in the most progressive and modern Turkish Constitution, but operates also in some other progressive democracies of the West—I hope some day this principle would be installed in the Indian Legislatures too. Well, what is our proposal? The proposal is that we do not alter the structure of Government's proposals. We do not aim at any

radical alteration in the Government's scheme. What we are proposing to Government is this, please let us have some little latitude in the matter of appropriation of the seats that you have yourselves proposed.

Khan Bahadur NAZIRUDDIN AHMAD: Misappropriation or appropriation?

Dr. RADHA KUMUD MOOKERJI: Misappropriation would be on the other side. Very well, I should say reappropriation.

Mind you, we do not at all have any intention of altering the structure of the scheme. Your scheme is there. We fit ourselves into your scheme, but we take the liberty of making a very, very humble suggestion, namely this, that the three seats that you propose to give under a particular procedure, those three seats be retained, but should be given by another procedure. Therefore, it is merely a question of procedure and not at all a question of principle; but it is a vital question of electoral procedure. If you stand by election, then you cannot allow the operation of a contradictory principle of nomination. You have not at all applied the principle of nomination for the representation of any other important interests in the Calcutta Corporation; but you have selected a section of a particular community for this kind of undemocratic treatment, and why? Whose views are you bound to consult in this matter? Should you not consult the views of those whom you are supposed to be favouring by this great gift of nomination? Supposing, our friends refuse to enter by the back-door, the discredited door of nomination; supposing, our friends say, "No, we should have rather an open door to democracy and we hate to enter by any kind of discredited door." Supposing, it is their view, should you not as Government, should you not as members of this august body, should you not yield on this very small matter? Why should you adhere to your own petty device that is so destructive of democracy, so undemocratic? Why should you hug that principle? When you have discarded that principle with reference to your great community,—I mean the Muslim community, of course I do not think that the Government can be called a community but their supporters can be called a community,—why should you not discard that principle of nomination with respect to Scheduled Castes? Why should you monopolize that privilege for yourselves and deny it to another section of a sister community? On whose advice are you doing this? Under whose advice, under whose inspiration are you lending yourselves to this kind of retrograde, undemocratic measure? Just now, we were informed by the only representative of the Scheduled Castes, my hon'ble friend Mr. Roy,—I speak subject to correction, there is another representative also of that class,—we have just now heard that the opinion of the Scheduled Castes has been overwhelmingly

in favour of the principle of election, and they have discarded this principle of nomination for entrance into a democratic body. I therefore pray in all seriousness, why the Government should give in to the opinion of a microscopic minority when two-thirds of the votes of the Scheduled Castes people were cast in favour of election. I specially make my appeal to the Hon'ble the Chief Minister, whose presence is a source of inspiration to this House, although like angel's visits, his visits are very few and far between. I wish he were here to represent all of us on some of the burning controversies of the day. He cannot keep himself in the background. Let him lead the whole House because we regard him as the leader of the whole province. He must give us a satisfactory explanation as to why he is for discarding the principle of election in favour of nomination when election is demanded by two-thirds of the entire body of the Scheduled Castes people. Is this not an appeal which should go home to him? I still think that there is in the bosom of the Hon'ble the Chief Minister a tender consideration for democratic ideals pure and undefiled, because I recall the time when he himself led the country by giving up a wretched slavish Government service and became at once one of the foremost leaders of the Indian National Congress. I wish to recall his old noble self; I make an appeal to his old self which is still stirring in his heart. I therefore wish to put him this straight question, why on earth should he favour in these days of democracy a principle of nomination for a community who have themselves by overwhelming votes discarded nomination and who prefer to come in by the open door of democracy, by election. I want a short and swift answer to this question. I therefore think that I am really on this question a supporter of Government in the sense that I am adhering to the structure of Government's proposal. I do not dare to lay violent hands upon any of their pet schemes. I bow to their decision in giving us as many seats as they like. I do not want to alter any of their schemes. What I propose to alter is this: please show us this tender mercy out of regard for democracy. Please banish this discredited principle of nomination altogether from this democratic Corporation which you are going to set up. And then act according to the wishes of the particular community concerned in a properly democratic spirit. Let the community decide for itself what would be better for it. Why should you poke your nose into affairs that do not concern you? I appeal to my friends on the other side. I do not think they are absolutely bound hand and foot to the chariot wheels of the Government. I find before me the leader of the Coalition Party who is well known for his sense of fair-play and justice, Khan Bahadur Abdul Karim. I would like to have a straight-forward answer from him on this very simple matter. Why should you still stick to nomination when nomination is, firstly, not consistent with democratic ideals and, secondly, when the boon of nomination which you

are proposing to confer upon a section of a community, when that boon is regarded not as a blessing but as a curse by that section whom you are supposed to be favouring. Why should you adhere to the Government proposal because it is a Government proposal? I am sure that the Chief Minister must be feeling the inspiration of his old self and also feeling the force of the humble appeal which I am competent to make, with my defective language. Now, our simple proposal is the amendment which is an organic part of the amendment that we carried the other day—it may be compared to the body while the soul of the amendment was approved that day. We are simply considering the body and the shape that was given to the ideal of first amendment. So, our simple proposal is, pray retain your three seats but have them filled up by election, and why? Because the community concerned wants this.

Now, naturally I am provoked to make a certain query. Perhaps there may be the Official Secrets Act which might prevent any light being thrown upon the subject that I am raising. Why is it really that you are thinking of nomination in spite of all these arguments? Is it because it is done under the inspiration of one of your colleagues whose voice must count against the voice of the community that he represents? I do not think it is quite democratic: it is not quite fair. If you yield to the wishes of a particular member of the Cabinet, your own colleague, of course he will have a free hand in nominating all these three members. He will set up a family concern in this new Calcutta Corporation as was made clear by my friend who just spoke. Why should you encourage all these reactionary tendencies? I think he may be educated in democratic ideals further. Perhaps it is his first experience of public life. He has many brilliant days before him in politics. So, let him not tarnish his career at the outset firstly, by going against his own community and, secondly, by adhering to a most undemocratic ideal. Therefore, I make my appeal to the Chief Minister to exercise his ruling, to rule his unruly colleagues, to order and educate them in democracy of which he is the stoutest champion in India. And as regards my friends over there, the European Bloc, why should they again hug the discredited principle of nomination only for Indian consumption? I really cannot understand the psychology of this move. Should they always support lost causes and discredited principles? Why should they not import into our political discussions a free air of democracy which they breathe at home? I do not think they should at all have anything to do with the question of nomination. It is a very very simple proposal to transfer three seats under your scheme from nomination to general election. While on the one hand, you are acting at the bidding of an isolated colleague of the community who has been pitchforked into the exalted office of the Cabinet, on the other hand you must also feel that it does not

alter your scheme at all, it does not affect your scheme, whether the three seats are to be had by election or by nomination. Perhaps there is a lurking fear in the minds of some of our colleagues who are not in love with the Congress. I am told that they scent danger in the transfer of three seats from nomination to election, and why? Because they fear that there may be the influence of the Congress extending over the Scheduled Castes. But if the Scheduled Castes themselves do not fear undue Congress influence, if they want to come out in the open and fight a general election, why should you not help them towards their approach to democracy? Why should you poke your nose in matters which really do not concern your? Analyse your attitude. You fear the Congress but at the same time you must consider that to-day the Congress has been recognised as a most successful Government in eight of the eleven provinces of India.

Mr. E. C. ORMOND: Not a successful Government in the Corporation.

Mr. RADHA KUMUD MOOKERJI: But I think, Sir, if the Congress has not succeeded equally well in the sphere of the city's civic affairs,—comparisons are odious,—I should like to know which other party can have won laurels in the same field. Granting that there may be certain abuses in the city's administration, I make bold to say that the abuses of the hour must not at all blind you to the abiding value of the principles for which you stand—to the abiding value of the principles for which it stands——

Khan Bahadur NAZIRUDDIN AHMAD: It has been abused for the last 15 years.

Dr. RADHA KUMUD MOOKERJI: You cannot make democracy the scape-goat for the abuse of a particular party standing up for democracy; and then, the particular party of the Congress that you sometimes have in view here, the character of that particular section is also changing. Every party is progressing and changing its complexion and you are not entitled to assume anything that is fixed in politics. Politics is always in a state of flux. Therefore, you should have your anchor in the abiding principles of politics and must not be guided by considerations of what appears at the moment big before your eyes. Remember that the grass-hoppers which make the most noise are not the only denizens of the forest; there are far bigger animals resting under the great tree of democracy in that forest. Therefore, don't you be guided by the grass-hoppers and their noise. And what after all do these three seats matter to you? Supposing, you throw them into

the arms of the Congress under the general electorate. What does it matter? You have your own experience of the working of the Legislature. In the Lower House this great community called the Scheduled Caste—although I would like to call it the Hindu community and no further Scheduled Caste in the next census if that is possible—remember that in the Lower House this Scheduled Caste community form a group of thirty members, but do you mean to say that all of them vote for Congress in all matters? No. They must be credited with a sense of independence as regards their own interests. I do not know the exact figure— perhaps ten or twelve of them might have joined with the progressive party of the Congress in this country, and have not lagged behind. We do hope that a time will come when all these thirty members of the Scheduled Caste will vote with the Congress. That is the ideal, no doubt. But even then, the Congress has not been able to win over all of them now. So, why should you be so much afraid of three more seats being given to the Scheduled Castes by election and thus lend yourself to a bad series of inconsistencies and anomolies? Why should you have two electoral procedures for the same community? Why should you for entrance into Corporation leave open two doors instead of one as you have done in the case of every other community? I can very well understand and I very much appreciate the spirit of democracy shown by the great Muhammadan community in rejecting outright all offers of nomination. They will form a great body of twenty-two or twenty-three elected members of the Calcutta Corporation, and they will no doubt hold up their bright ideal of democracy always, and therefore why should you retain another back-door for another community? Have a uniform plan in your legislative measures. Do not lend yourself to unjustifiable inconsistencies and anomalies. It looks very, very ugly. It only shows that the Ministry are acting at the bidding of a particular colleague of theirs in the Cabinet, and that there is no principle involved; and it also means that this method, this procedure will result in setting up a sort of family concern in the midst of the Calcutta Corporation. Please do not lay yourself open to that charge. Of course, I am speaking fortified by the remarks of my friend who can speak with authority on the subject. Now, in the melting-pot that is being created by this amendment, the Khan Sahib has already shown an appreciation of the needs of his own community for larger representation. We, on the Hindu side, have never grudged the Muhammadans the share of representation that may be claimed fairly by that community. We do not grudge the Muhammadan community the representation they want. Of course, so far as the Hindu community is concerned, I am inclined to exclaim in the words of Shylock that "Sufferance is the badge of our tribe." The Hindu community can never get its dues in respect of its population strength or taxing capacity or voting strength in any of the legislative bodies of the day.

Our community is accustomed to this sufferance, which is the badge of our tribe. But we do not grudge even at this stage an extra seat being given to the Muhammadan community on the ground that the seat will signify the victory of the principle of election over the discredited principle of nomination, and in order to celebrate this small victory we are quite prepared to give to our Muhammadan friends as a reward for their support of democracy, this extra seat which they think they ought to have. Let them have it. But let us all sail in the same boat of democracy, dropping in the course of our political career all religious labels so that we can build up——

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the honourable member is not only repeating the same argument, but he is also repeating the same sentences. The speaker has always taken up almost half an hour. So, I respectfully submit that as he is repeating the same arguments in this House for a series of days, he should be made subject to a time-limit in the matter of his speeches on this Bill as a special case.

Dr. RADHA KUMUD MOOKERJI: I am afraid that the arguments which——

Mr. PRESIDENT: There is no time-limit on speeches in respect of Bills, but at the same time a member is not allowed to repeat his argument, and I have seen Dr. Mookerji doing so thrice.

Dr. RADHA KUMUD MOOKERJI: My reply is this——

Mr. NARESH NATH MOOKERJEE: Sir, you have made it a rule that no sub-committee of the Cabinet should be going on in this House. The Chief Minister is having a conversation with some hon'ble members away from his seat. And as this causes some distraction during debate, will you kindly request the Chief Minister to come back to his seat?

Dr. RADHA KUMUD MOOKERJI: I hope, Sir, I may now resume after the interruptions——

Mr. PRESIDENT: I hope Dr. Mookerji, you will now wind up your speech.

Dr. RADHA KUMUD MOOKERJI: Sir, what I wish to say is this: that whenever arguments are unpalatable, there is always raised the bogey of repetition by my friends. But I find——

Mr. KADER BAKSH: On a point of order, Sir. It is the opinion of the Chair and not only of members on this side of the House that Dr. Mookerji has been repeating the same argument. He says that when his arguments are unpalatable, he is charged with repetition. But, Sir, unpalatable to whom? To the Chair or to us?

Dr. RADHA KUMUD MOOKERJI: Sir, my second point is this: that the ideal of democracy requires to be constantly dinned into the ears of certain of my friends opposite. Therefore, some arguments do bear repetition. Of course, I do not think that I am repeating my arguments in the same terms. Language has great and infinite scope. I may have been guilty of repeating the same arguments, but I do not think that I have been guilty of using the same terms. And then, thirdly, I am charged with the responsibility of storming the citadel of obstinacy which prevails on the other side, and therefore I have to practise bombardment, continuous bombardment on them with my arguments, and I think the citadel of obstinacy is really coming down, and we shall soon see that we shall all vote together for the principle of democracy for which a plea has been made by this amendment. I do hope that members will remember that they are practically committed to the view put forward in this amendment. On the last occasion, the general principle of the amendment only was advanced and here we are going to give it a body and a shape, a healthy body, embodied in the amendment. Sir, once more, before sitting down I make a personal appeal to the Chief Minister to brush aside all his reactionary tendencies and stand up boldly for democracy, pure and undefiled, for which the amendment stands.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, Khan Sahib Abdul Hamid Chowdhury's amendment and the amendments of Mr. Kamini Kumar Dutta and Mr. Naresh Nath Mookerjee and others following them are the direct results, so far as I can see, of the intense agitation that has been started here and elsewhere attacking the Bill from the point of view, namely, that it has done a great injury to the great Hindu community and has attempted to reduce the position that they had so long enjoyed in the Calcutta Corporation. But this is due to a misapprehension or misrepresentation of the facts so far as the Bill's provisions are concerned. The Bill has done nothing of the sort, as I said the other day. If it has done anything it has rather improved the position of the Hindus much more than what they had so long enjoyed under the old Bill. Sir, I will not follow the example of Dr. Mookerji and digrees into theoretical homilies, but I will simply quote figures as I see them, according to the amendment of the Khan Sahib and as they appear according to the provisions of the present Bill as compared with the provisions of the existing Act. Khan Sahib Abdul Hamid Chowdhury provides that 50 seats should

be reserved for the Hindus and 23 seats for the Muhammadans, the remaining 16 being left as they are in the Bill, namely, 2 for the Anglo-Indians, 2 for Labour, and 12 for the Europeans. Therefore, Sir, 50 will become 52, as it is almost sure that the two Labour seats will go to the Hindus, and there will thus be left 37 seats for the Muhammadans, Europeans, Anglo-Indians and 4 nominated. That will give the Hindus, to start with even without the Aldermen, a clear majority of 15. Sir, 52 minus 37 makes 15; this is simple arithmatics. Under the provisions of the Bill it has been provided that 47 seats are to be filled up by general election and 2 shall be Labour seats through separate electorate. Now, Sir, let us examine these 49 seats which have been provided for election. In Wards Nos. 15, 16 and 17, the Hindus are in a minority as compared with the Muhammadans, Anglo-Indians, and Europeans taken together. Under the provisions of the present Bill, Wards Nos. 15 and 16 will have an absolutely Hindu majority as against the Europeans. In Ward No. 15 the Hindu population according to the Corporation figures is 4,000, as against 947 of the Europeans. There are 4,000 Hindus, 5,500 Muhammadans, 947 Europeans and 883 Anglo-Indians. Therefore, the Hindus were in a hopeless minority as compared with the Muhammadans, Anglo-Indians and the Europeans, but by the provision of the present Bill, by which Anglo-Indians and the Muhammadans are taken away from the general electorate, the Hindus are left with an absolute majority vis-a-vis the Europeans. In Ward No. 16, the Hindus are about 1,400 in number, Muhammadans 1,100, Europeans 2,167, and the Anglo-Indians 259. By the provisions of this Bill 259 of the Anglo-Indians will go and 1,100 Muhammadans will also go, but Europeans will still remain a majority there. Therefore, in Ward No. 16 a seat will be lost by the Hindus to the Europeans. In Ward No. 17 the population of the Hindus is 1,000, Muhammadans 600, European 700 and the Anglo-Indians 192. The Anglo-Indians and the Muhammadans will go out, and the Europeans and the Hindus are left. The Hindus will have a majority of about 300. Of these 3 seats, the Hindus will therefore, capture 2.

Mr. SHIRISH CHANDRA CHAKRAVERTI: Are they all voters?

Mr. HAMIDUL HUQ CHOWDHURY: I do not know whether they are all voters, but what I am citing is the figure of population only and these figures are supplied by the Corporation in justification of their claim for the seats, and voters reflect the population. Therefore, what is left? Forty-six Hindus will be elected from the general constituencies and there are two labour seats also, and this will make them altogether 48. Therefore, it makes 48 Hindus as opposed to 45. There is a clear majority for the Hindus of 3 to start with and this body elects 5 Aldermen. Now, under the existing Act the position is

this. In the present Corporation there are 42 elected Hindu seats as opposed to 45 seats consisting of nominated, Muslims, Europeans, etc. Therefore, there is an absolute minority of 3, and this body used to elect the Aldermen and that is how all the Aldermen were not Hindus so long. But according to the provision of this Bill, you can have an absolute majority of 48 *versus* 45. That means you get all the Aldermen. Therefore, Sir, the point of view from which the Bill has been attacked so long, namely, that it has done a great injury to the Hindus has got no basis whatsoever and the amendment which seeks to remove the supposed inequity and injustice to the Hindus cannot be supported from this point of view, namely, that Khan Sahib's motion if accepted will put the Hindus 52 plus 5 Aldermen, namely, 57 as against 37, which will give them a majority of 20.

Mr. SHRISH CHANDRA CHAKRAVERTI: It is by your own calculation.

Mr. HAMIDUL HUQ CHOWDHURY: It is real calculation which you have been misrepresenting so long both here and outside. Therefore, Sir, I submit that this amendment cannot in any circumstances be supported.

Dr. Mookerji, Sir, has stated that the minorities can be protected by a committee system as prevailing in Turkey. I support him fully so far as this is concerned. This increase in number to us by a few seats so long as we are kept in a minority will give no protection to us. We want, Sir, a definite protection in the manner at least which has been introduced in Turkey, namely, that the minorities will be left as between themselves to decide their own administration, their own matters of civic administration in so far as they relate to their own affairs. And if that is done, Sir, all the grievances of all the minorities both here as elsewhere will be met.

Khan Bahadur ATAUR RAHMAN: I move, Sir, that the question be now put.

Mr. PRESIDENT: I shall be very glad to accept motions for closures, but the hon'ble members will please see that at least one member from each party must have a chance to speak.

Khan Bahadur NAZIRUDDIN AHMAD: We have decided, Sir, not to speak.

Mr. PRESIDENT: That is very good. As a matter of fact, when Government wants to expedite the business of Legislature, the supporters of Government should adopt that method.

Dr. ARABINDA BARUA: Sir, as one who has the best interests of the Scheduled Castes at heart, due not only to my natural sympathies for those who are oppressed and down-trodden, but also as the follower of the great Buddha who for the first time in the history of India stood up as the champion of those people who now form the Scheduled Castes, I rise to extend my whole-hearted support to the amendments moved by Khan Sahib Abdul Hamid Chowdhury and Mr. Kamini Kumar Dutta. Sir, originally the framers of the Bill provided for 7 seats in the Corporation for the Scheduled Castes, but by a curious process they left four sests to be filled in by election and 3 by nomination. Sir, by taking out three of these seats to be filled in by nomination, the Scheduled Caste voters will be deprived of their right to choose their own representatives. Sir, I regard this as depriving them of a great privilege. Sir, under the new Constitution, the old system of nomination has been abolished so far as the Legislatures are concerned. It is only to give representation to those of the minorities and interests which have otherwise not been able to find seats in the Legislature that the system of nomination has been kept up in the Upper Houses of the Legislature. If, Sir, the same system had been followed so far as the present Bill is concerned, then that would have been quite all right. But we find that the system has not been followed in the present Bill. Well, the Scheduled Castes were given seats by election; so, there was no necessity of giving seats by nomination. Seats by nomination could have been given to minorities who could not otherwise be elected to the Corporation. Sir, the other day my hon'ble friend Khan Bahadur Naziruddin Ahmad accused me of being an arch-villain of the piece.

Khan Bahadur NAZIRUDDIN AHMAD: I said error of judgment.

Dr. ARABINDA BARUA: He said that it was on my vote that the Government suffered a defeat. It was, Sir, only for the interests of the Scheduled Castes and as a protest against the treatment meted out to the community whom I represent that I felt constrained to go against the Government.

With these few words, Sir, I support the amendment of Khan Sahib Abdul Hamid Chowdhury.

Mr. HUMAYUN KABIR: Mr. President, Sir, between Dr. Mookerji and Mr. Scott-Kerr and Mr. Hamidul Huq Chowdhury, I feel provoked to speak upon the motions which are before the House at the moment. Unfortunately, my position is somewhat different from that of almost all the speakers who have spoken up to now on the amendments which are before the House at present. Because, the amendments have either been wholeheartedly supported, fully supported, or wholly opposed. Unfortunately, my position is one in which

I cannot support fully any of the amendments which have been moved, because in each one of the amendments there are features with which I do not completely agree, and yet on the other hand I think that the amendments which have been moved have in them a certain attempt at compromise, a certain attempt at doing justice to a community which has been neglected, and as such they deserve the support of all those who want that different communities in this province and in India should work together. I shall be, Sir, particularly careful and remember what you have said about non-repetition of arguments, and I think I can assure the House that in the remarks which I am going to offer before it to-day, I shall not repeat the arguments which have been advanced till now by other members of the House.

I shall start first of all with the remarks made by my hon'ble friend Mr. Hamidul Huq Chowdhury. He will remember that when the motion for taking this Bill into consideration came before the House, I said that the opposition to the Bill should not be and could not have been from the point of view of Hindu interests alone. It was a mistake, in my opinion, on the part of the Hindus of Bengal to oppose the Bill from the Hindu communal point of view. Because, the majority of the Hindus is assured in this Bill. There is no doubt whatsoever, and the figures which we worked out in discussing that Bill proved that even if the proposals which the Government at first brought before this House had been carried without any alteration whatsoever, a Hindu membership of about 54 would have been secured. A Hindu membership of about 54 in a House of 93 is an absolute majority. Therefore, Sir, from the point of view of merely Hindu interests, there is very little to quarrel about with this Bill. There is something to quarrel about even there, and that is where I do not agree with Mr. Hamidul Huq Chowdhury. Because, even though it is true that the Hindus have not been reduced to a position of minority, yet their superior majority has been to some extent reduced. A community which is 75 per cent. should not have been reduced to a representation which is only 53 per cent. It can claim a representation of at least 60 per cent. I quite agree with the principle that wherever a majority is of a large size, there should be some reduction in its numbers in order to give proper weightage to the minorities, but nevertheless that reduction must not be to the extent to which this Bill has proposed.

Again, Sir, I agree with Mr. Hamidul Huq Chowdhury when he said that as a result of certain alterations in the general seats, the position of Hindus will be improved in certain constituencies. Therefore, Sir, the opposition from one section of the Hindus who are opposed to this Bill purely on communal grounds has been not only wrong, but it has been also ill-timed, and ill-advised. Because, it has in turn provoked communalism on the part of many of the supporters of this Bill. Communalism always provokes communalism, and there is no

denying the fact that to some extent at any rate this Bill has been the result of ill-advised and very often ill-considered demands of this section among the Hindus who have stood for their communal interest rather than for the national interest of the country as a whole. But very unfortunately, as I have said, injustice has been done and it is up to this House to see that if one community has erred, the other community should not repeat those mistakes. Communalism has been provoked on the side of the Muslims, because of the mistakes of the Hindu community in the past. To-day, the power has come into the hands of the Muslims. They should be particularly careful that they do not do anything which may in turn provoke similar communalism on the side of the Hindus. If they do, this will only help in the eternal game of "divide and rule" which, as I have often before stated, has been the permanent feature of the European policy in this country. As to the question how ultimately this Bill also is really a device to help the European interests in this city, I shall come to in a moment, when I take up the remarks which have been made by Mr. Scott-Kerr. I shall show to this House that even the present Bill owes its inspiration to the desire to maintain the interests of Europeans in this city. With regard to the arguments which have been advanced, with regard to the questions which have been before the House till now, with regard to the amendments which we are discussing at this moment, I think four questions can be distinguished from among them.

First of all, Sir, there is the question of election *versus* nomination. No doubt, we have already discussed this question once when we reduced the number of nominated seats from 8 to 4. But to-day, that question has been revived again when we want to transfer the number of seats we have taken from the Scheduled Castes nomination and want to transfer them to election by members of the Scheduled Castes. Then again, Sir, there is also the question of Scheduled Castes representation. This is a question which is distinct from the question of election *versus* nomination, because even if it be accepted,—a position which I personally do not myself accept,—that nomination may at times be necessary in order to safeguard the interests of a particular community, we have still to see whether the Community desires such nomination. We must examine whether the Scheduled Castes require special representation through nomination and whether in the case of Scheduled Castes representation, we cannot devise some other means which will be more acceptable to the Scheduled Castes community itself, and at the same time be more conducive to the interests of the province as a whole.

Thirdly, Sir, there is the question of party Government in the Corporation. That question has also been raised indirectly or directly, and as was stated, I think, by my hon'ble friend Dr. Radha Kumud Mookerji, this Bill is aimed not so much against the Hindus of Calcutta

as against the Congress Party in the Corporation of Calcutta. It is a Bill which is directed against the administration of the Congress party in the Calcutta Corporation and I think, if I remember aright, one of the Hon'ble Ministers in speaking on this motion said—well, it was the Chief Minister and he is one of the Ministers surely, perhaps the most important of the Ministers but in any case it was one of the Ministers, that this Bill was directed not against the great Hindu community, but against the great Congress Party and he wanted to ensure that in future the Congress Party shall not dominate in the Calcutta Corporation. Then, the fourth question is the question of representation of vested interests. That will bring me to the discussion of the points which were raised by Mr. Scott-Kerr.

I propose to take up these four questions one after the other. I think, Sir, some analysis of these four questions may help this House to come to a better appraisement of the issues involved and help it to come to a better decision. I have always said that I am one of those who have an almost incorrigible optimism about the reasonableness and independence of judgment of this House. Even though I know that there are persons on this side of the House who feel that after all reasonable appeals are in vain, I am not one of them. I believe that this House has in the past given evidence of its exercise of individual judgment and of its freedom of opinion, and if the occasion arises, and if a sufficiently strong case can be made out, it may be that this House will again exercise that freedom of judgment particularly when we have as Leader of the Coalition Party a man of the distinguished position of Khan Bahadur Abdul Karim, who has on more occasions than one shown not only independence of judgment, shown not only freedom of thought; but also shown magnanimity of a high order. I may, Sir, in passing perhaps remind you and through you the House of the circumstances under which the election of the President of the House took place, and the magnanimity which the Hon'ble Khan Bahadur Abdul Karim at that time showed, and I am sure that a man who has that sort of magnanimity can again rise to the occasion if he is convinced of the justice of the case. Sir, that those of us who stand here on certain principles, as I have stated before, feel that the Hindus of Bengal have to a large extent spoilt their case by acting in a wrong manner and placing the emphasis in the wrong direction. Very often they have spoilt their case by confusing the issues; yet there should be co-operation and conciliation between the Hindus and the Muhammadans, at least between certain sections of them who, in spite of conflicts and confusions have still been able to retain the ideal of a united Indian nation and of Independence which is the birthright of every individual born in the country and which I am confident will come to us perhaps long before many of us can hope. When I come to the remarks of Mr. Scott-Kerr, I shall have certain remarks to make in that connection.

Taking question of election *versus* nomination, it has been again and again remarked that election gives to a group the opportunity of being represented by a man who enjoys its confidence. Nomination has been criticised in principle and I am thankful to Mr. Suhrawardy that he too in his speech admitted that nomination was a vicious principle, but that it was a necessary evil. Well, if it is a necessary evil, has not the time come when we should see whether this necessary evil can be done away with at least in certain spheres of public life? It may be that in certain spheres of public life it may not yet be abolished, but certainly there is at least one field where we can experiment and see whether nomination cannot be done away with. First of all, the argument is advanced that the electorates are illiterate and disorganised and are scattered over widespread areas, and that unless there is nomination, the people who ought to be on the public bodies or on the Corporation will not be there. There are persons who represent special interests and they will not get an opportuiity of coming to the Corporation if there is no nomination. But, Sir, Calcutta is neither a scattered area nor are its inhabitants disorganised. We cannot say that the voters of Calcutta are illiterate or disorganised. Therefore, if we are to admit, as Mr. Suhrawardy has admitted, that nomination is vicious in principle and as a vicious thing it should be removed, should we not start that experiment in the city of Calcutta? We have not succeeded in our attempt to abolish nomination altogether but let us minimise the evil as much as possible. And will not Mr. Suhrawardy co-operate with us in going further in this direction and ensuring that nomination is rendered of less importance and shorn of even more of its injurious effect than it was under the proposed Bill? Therefore, taking a general view of all the facts I think there should be no member in this House who should stand for nomination as against election, and if seats are sought to be transferred from nomination to election I do not think there can be any member here who can stand up against that proposal. Sir, in many countries of the world—perhaps I should not say "most" as it would not be true—Upper Chambers are partly nominated and partly hereditary; at least that is the case with regard to the British House of Lords. But here our Upper House is neither hereditary nor nominated; for although here are 6 or 8 persons who are nominated to this Chamber, yet it cannot be truly said in any sense that it is a nominated body. Even British Imperialism which wants to divide India into communities and to maintain its power intact in this country has admitted that nomination was an evil which should be minimised, if not absolutely done away with in a particular contest. Sir, this is an elected House and this House will be really voting against its own constitution, its own *raison d'etre* if it votes for nomination as opposed to election. We are here by election. We are elected representatives of the people; some of us have come through territorial constituencies and some through

the Bengal Legislative Assembly which in its own turn consists of representatives of the people of this country. Therefore, we may say that in two ways, both direct and indirect, this House represents the apotheosis of election as opposed to nomination. Nomination has been discarded in constituting this House. This House by its very constitution stands committed to the principle of election. Therefore, on the first question, namely, election *versus* nomination, I have no doubt in my own mind if this House exercises its judgment, of what the answer will be.

Coming to the second point which I have raised before you, namely, the question with regard to the representation of the Scheduled Castes, I will not take very much time on this point, because this point has been dealt with at length by Dr. Mookerji and Mr. Amulya Dhan Roy. Sir, it is a fact—and I ask the Government if they can deny it—that the representatives of the Scheduled Castes in the Lower House voted against nomination when this provision was being discussed there and that these representatives wanted that there should be representation of the Scheduled Caste members through election and not through nomination. If I remember aright, the majority of the representatives of the Scheduled Castes in the Lower House were for representation of the Scheduled Castes through election and not through nomination. Sir, there is also another consideration. The Nawab Bahadur of Dacca who sponsored this Bill in another place, said that Hindus should not oppose the Bill, because it was generally modelled on the lines of the Poona Pact and embodied the general features of the Communal Award. That the Communal Award embodies many vicious features I do not for a moment deny. Its object was to divide one community against another and to serve the purposes of British Imperialism, nor do I contest that some of the more objectionable features of the Communal Award have been left out by the Poona Pact. In the Poona Pact also the Hindu community was not divided. Sir, ours is unfortunately a country in which fissiparous tendencies have been strong from the very beginning of our history and that is why we mean to strike at the root of these fissiparous tendencies. Many an ancient empire here has collapsed on that account—on account of narrow and provincial interests having been given precedence over those of the country as a whole. And here through this Bill, the Government of Bengal seems to be determined to drive a further wedge between at least two great communities which inhabit this province. That is also a consideration which the Government ought to keep in mind. After all, may we not expect that the members of the Cabinet are in their own way patriots at heart? I do not think that there is any member in the Cabinet who does not want that these differences should be made up, who does not want that we should get rid of European Capitalism and British Imperialism which have got such a hold upon us at the present

moment. Sir, I would remind all the hon'ble members of this House of the Chief Minister's speeches which he delivered before and after his election, namely, that he would smash the British grip upon this province and bring about a state of affairs in which the Hindus and the Muhammadans would live together in amity and work for the amelioration of the conditions of the country as a whole. That is, therefore, a consideration which the Government should particularly keep in mind. As representatives of the people, as the first responsible Government of the people in the province of Bengal, they would be doing an injustice to themselves, an outrage on democracy, and a grave wrong to the interests of the province as a whole, and they will be indicted by the future historian if they do anything which introduces further divisions and further dissensions in addition to those that are already existing among our different groups.

Thirdly, Sir, there is the question of party Government in the Corporation. Sir, I would draw your attention to the state of affairs which exists in other countries of the world. Do not hon'ble members opposite know that the London County Council has been dominated for some years past by the Labour group? Do not the members opposite know that Vienna in the days when its municipal administration was the ideal of the world and which did so much for the poor, was run by the Socialist Party? Is it not a fact that wherever there has been a party Government, the administration has been run on clean and efficient lines? Is it not a fact that wherever there have been caucuses, individuals have grouped together without any party alignments and the administration has been corrupted? Sir, an hon'ble member from the European Group has interrupted me and said that the administration of the Calcutta Corporation has been corrupt. Sir, I do not deny that altogether. It is probably quite true that the administration of the Corporation is corrupt in many directions and I may tell the House that when recently the editor of the *Calcutta Municipal Gazette* asked me to write an article about the Calcutta Corporation, I wrote in that article that it was perhaps the most inefficient and expensive administration in the whole of India. I doubt very much whether the editor will publish my article, because after all it is perhaps too much to expect any *Municipal Gazette* to publish criticisms of that municipality in its own official organ, specially the sort of criticism that I made upon its administration. Sir, the Calcutta Corporation is certainly the most inefficient civic administration that I had the misfortune of coming across. But nevertheless, in spite of that, the fact remains that even this corrupt administration which has been inherited from the previous regime, has been worked in a way by the Congress Party that is not altogether unworthy of praise. Ever since its constitution, persons have come

to the Corporation without a party ticket and have grouped together and formed cliques and caucuses and paid greater regard to their private interests; but in spite of these facts, is it not a fact that even this corrupt municipal administration has introduced changes which were beyond the dreams of the citizens of Calcutta only 20 years ago? Is it not a fact that to-day, primary education has been introduced over the whole city of Calcutta? Was introduction of primary education ever thought possible before the Congress got into power there, before Mr. C. R. Das took charge of the Corporation? Is it not a fact that the areas in the Indian quarters have been improved more or less beyond recognition since the Congress came into power in the Calcutta Corporation? Is it not a fact, if there has been any deterioration in the local services it has been only in those areas which were already so improved that a little neglect would not matter much? Sir, I can well understand the objections of my European friends of this House to the administration of the Corporation, because the Corporation has sought to advance the interests of the Indian section of the city at the cost of the Europeans. Sir, is it not a fact that the average of comfort is higher now in Calcutta than it was only 20 years ago? Sir, I have no personal experience of the working of the Calcutta Corporation and I have had nothing to do with it, although I have lived in this city for a great many years but certainly and generally in the Indian quarters, there has been effected a great deal of improvement. It has perhaps been possible to do that with the collaboration of the Calcutta Improvement Trust and between them they have almost changed the face of Calcutta. And when later on we take up the question of franchise, I shall suggest further methods of how the conditions in the slum areas of Calcutta can be improved. Franchise has great power——

Mr. PRESIDENT: The hon'ble member had said some time ago that he would speak on this when his motion came, but I find him discussing it even now.

Mr. HUMAYUN KABIR: All right, Sir, I shall finish this part of my remark in one sentence.

As I have said, Sir, when the proper moment comes, I will discuss this matter, but at any rate I will only say this now that, bad as is the Calcutta Corporation, it is still better than what it would be if the cliques and caucuses got hold of it, and ruled it according to their own self-interest. There is one other consideration, Sir, which I would ask the hon'ble members of the Coalition Party particularly to remember. Sir, the Congress may be bad enough in the Calcutta Corporation; there may be persons in the Congress who do not look at it really from the point of view of the proclaimed programme

and the proclaimed creed of the Congress. But the Hindu Sabha certainly would be no better for the Muhammadans and if as a result of this Bill which to-day is being passed, communal feelings are further exacerbated between the Hindus and the Muhammadans and Hindu seats are captured by the Hindu Sabha, we should have in this city a splendid spectacle of Hindus and Muhammadans fighting each other to the infinite delectation of the Europeans and outsiders!

Be that as it may, Sir, now I come to the last question which as I said was embodied in the amendments which are here for discussion at the moment, namely, the question of representation of European interests. Mr. Scott-Kerr has objected that the number of Europeans should not be reduced. It is very natural that he should oppose it, and indeed why should he not object? Possibly, it would be expecting something super-human from the European group if we wanted that they should voluntarily yield any portion or part of their power of control which they have obtained over the Corporation. Sir, you know how in the Communal Award the position in Bengal has been rendered such that the 10 per cent. of the European population actually dominate political affairs in Bengal. In the proposed scheme, the same sort of thing is going to happen in Calcutta and the Europeans are going to get 12 not 10, out of the seats that will be returned through the different Special constituencies. Here, Sir, I would correct the remark of Mr. Scott-Kerr that there will be only 10 seats available to the European interests. Sir, they are not 10 but 12. Because the Port Commissioners will return 2 men, who may be all Europeans. The Hon'ble Mr. Nalini Ranjan Sarker has often been returned from this constituency; but there is no binding agreement as to why Mr. Sarker or any other person of a similar political persuasion should be returned. At any rate, even if 2 members of any other community come from the Port Commissioners constituency, then 10 seats are quite sufficient for the preservation of the interests of the European community, and there is also a chance,—I do not say a certainty—that they may get at least one seat from the general constituency. In the past they had been able to capture 2 or 3 seats through the general constituency and in the future they may be able to capture at least one seat, in which case, of course, the representatives of the Europeans will number 12.

Sir, the argument advanced by Mr. Scott-Kerr in defence of the interests of the Europeans is that they have large vested interests in this city. We know it. It is the European vested interest which is ruling India to-day. But I would ask Mr. Scott-Kerr and through him the European Group only to remember this. I placed before this House on an earlier occasion a history of how the European interests have divided the different communities in this country, how at one time through the suppression of Muslims, a Hindu middle-class was

built up and how the Hindu middle-class was used as an instrument in order to curb, in order to crush the Muslims of Bengal. I would repeat the remarks of Sir William Hunter who said that about a hundred years ago, it was almost impossible for a Mussalman to be poor, for a well-to-do Muslim family to be poor and it is impossible to-day for a Muslim to be rich. Who brought about that state of affairs? This House, I think, will remember the analysis, the survey of historical facts which I placed before it when we saw that stage by stage through planned action—if I might say so—the European community suppressed the Muslim middle-class and created a Hindu middle-class. To-day the game is reversed and to-day there are at times attempts, and there are at times suggestions of co-operation from the European Group with the Muslim middle-classes. I think the Muslim middle-classes should be particularly careful in accepting that co-operation. To a certain extent that co-operation they may accept, because after all there is no reason why even the exploiters should not be exploited, and if the Europeans exploited us so long, if to-day we can exploit the exploiters, there is no harm in it. Nevertheless, Sir, at the same time, the Muslim community should be particularly careful about the way in which they accept this co-operation of the European Group.

Coming to the question of vested interests, if the Europeans have vested interests, others have vested interests as well. Are there not Indian Chambers of Commerce, are not Muslims, Hindus and Marwaris also in possession of large amount of vested interests in the city? If representation on a special basis should be given to Europeans alone on account of the vested interests which they have, why should it be that representation should not be given exactly on the same basis to the Indian communities which also have such a large stake in the country?

Again, Sir, the number of seats given to them on this basis is disproportionate. After all, they are only a section of the community of Calcutta, hardly a microscopic fraction of the citizens of Calcutta. It is absurd to expect that they should always enjoy 10 per cent. of the representation in the city, and to my European friends I would offer here one word of warning through the Legislature. Sir, this game has been played in other countries as well. Some time ago, in an article which I contributed to one of the most influential dailies of India, I stated that in Palestine also the Europeans wanted to play this game——

Mr. E. C. ORMOND: On a point of order, Sir. We have the amendments before us. Need we go to Palestine?

Mr. HUMAYUN KABIR: Sir, as I was saying——

Mr. PRESIDENT: Order, order. Mr. Kabir seems to forget that we are now dealing with the amendments and not with the constitution of the Bill. These generalisations would be permissible when we come to the third reading of the Bill. The hon'ble member has already spoken for nearly 25 minutes and I appeal to him that he should now try to conclude.

Mr. HUMAYUN KABIR: Sir, if I am not relevant you could certainly rule me out. But I claim, Sir, that I have neither repeated myself nor have I placed any argument which is not relevant. I wanted to prove that the claim of the European vested interests to have 12 seats is unjustified, not only unjustified, but that it will recoil on them in a manner which they will probably themselves not like. I think I am justified in giving illustrations of what has happened in other countries where the European Imperial interests have played the same game. Here, I am discussing the latter portion of the motion of Mr. Lalit Chandra Das where he proposes to redistribute the seats in the special constituencies, and therefore may I submit that this is extremely relevant. As I said, through this Legislature I want to extend a warning to the European community that they have tried to play this game in Palestine. They tried to set up in Palestine the Jews against the Arabs, the Jews who then had no interest there. At one time, about 150 years ago, the Muslims were predominant in Bengal. A new Hindu middle-class was created to check them, to control them, to curb them. Similarly, in the course of the last 20 years, Jewish vested interests were sought to be created in Palestine.

Mr. D. J. COHEN: On a point of order, Sir. Are we dealing with the question of Palestine, or are we dealing with the amendments before the House?

Mr. PRESIDENT: Order, order. There is nothing in the rules against acceptance of a closure motion even in the midst of a speech. But I know that Presiding Officers are very reluctant to go to this extreme. I would appeal again to the hon'ble member not to go to Palestine at present, but to confine himself to the amendments.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, some sort of time-limit was enforced when we discussed the first clause. Why should there be no time-limit now?

Mr. PRESIDENT: Our rules do not provide for any time-limit as regards speeches during the discussion of a Bill.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Time-limit was enforced when the first clause was being discussed. As a matter of fact, we have an impression that we were asked to sit down after 15 minutes were over.

Mr. PRESIDENT: I have found that in all Legislatures an appeal from the Chair always brings the members to a reasonable frame of mind and I hope it will not fail in this case also.

Khan Bahadur ATAUR RAHMAN: Mr. Humayun Kabir has already finished his speech. So, the question may now be put.

Mr. HUMAYUN KABIR: I want one minute more, Sir.

Mr. LATAFAT HOSSAIN: Mr. President, Sir, may I know to which group Mr. Humayun Kabir belongs.

Mr. PRESIDENT: Order, order. The special duty of the Chair is to see that the minorities may not suffer. I know Mr. Humayun Kabir represents the smallest group in the House and that is why I always take special care to see that he may not feel that he is being oppressed by the majority. I hope he will now conclude.

Mr. HUMAYUN KABIR: Sir, I will finish in one or two sentences more. As I said, in Palestine that game of creating divisions was tried, but a situation was created which the British Imperialism is finding very difficult to manage to-day. What I want to say is this. If to-day the European interests stand upon what they have enjoyed in the past, if they are not prepared to come forward and meet the legitimate demands of the neglected interests of Indians, they will find themselves again in a position which they might have to rue. Not only that, Sir. Differences between the communities may help them immediately, but it will create a state of disturbance, it will create a state of conflict in which the European interests will be harmed the most.

With these words, Sir, I conclude my speech.

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, for sub-clause (*1*) the following be substituted, namely:—

"(*1*) for clause (*a*) the following shall be substituted, namely:—

'(*a*) Eighty-nine elected Councillors of whom twenty-three shall be Muhammadans and fifty shall be other than a Muhammadan or an Anglo-Indian but shall include seven members of the Scheduled Castes for the seats reserved for them and the remaining sixteen of the Special, Anglo-Indian and Labour Constituencies shall be as stated in Schedule III':"

The House divided.

AYES—25.

Banerjee, Rai Bahadur Keshab Chandra.
Barua, Dr. Arabinda.
Bose, Rai Bahadur Manmatha Nath.
Chakravorti, Mr. Shrish Chandra.
Choudhury, Mr. Moazzemali.
Chowdhury, Khan Sahib Abdul Hamid.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Dutta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Mukherji, Rai Bahadur Satis Chandra.
Pal Choudhury, Mr. Ranajit.
Poddar Mr. H. P.
Roy, Mr. Amulyadhan.
Roy, Rai Bahadur Radhica Bhusan.
Sanyal, Mr. Sachindra Narayan.
Sarker, Rai Sahib Indu Bhusan.
Singh Roy, Mr. Saileswar.
Sinha, Rai Bahadur Surendra Narayan.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES—31.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Khan Bahadur Rezzaqui Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hossain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Ross, Mr. J. B
Roy Chowdhury, Mr. Krishna Chandra, O.B.E.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur M.

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, for sub-clause (*1*), the following be substituted, namely:—

"(*1*) for clause (*a*) the following shall be substituted, viz.:—

'(*a*) Eighty-nine elected Councillors of whom twenty-three shall be Muhammadans and fifty shall be other than a Muhammadan or an Anglo-Indian but shall include seven members of the Scheduled Castes for the seats reserved for them and the remaining sixteen shall be as stated in Schedule III,.'

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, for sub-clause (*1*), the following be substituted, namely:—

"(*1*) for clause (*a*) the following shall be substituted, viz.:—

'(*a*) Eighty-eight elected Councillors of whom twenty-two shall be Muhammadans and fifty shall be other than a

Muhammadan or an Anglo-Indian including three seats for members of the Scheduled Castes reserved for them and the remaining sixteen shall be as stated in Schedule III'."

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, for sub-clause (*1*) the following be substituted, namely:—

"(*1*) for clause (*a*) the following shall be substituted, namely:—

'(*a*) Eighty-nine elected Councillors of whom twenty-three shall be Muhammadans and fifty shall be other than a Muhammadan or an Anglo-Indian but shall include seven member of the Scheduled Castes for seats reserved for them and the remaining sixteen consisting of the Anglo-Indian Constituencies—2 seats, Labour Constituencies—2 seats and the Special Constituencies—12 seats, to be distributed as Bengal Chamber of Commerce non-territorial—5, Calcutta Trades Association—non-territorial—3, Calcutta Port Commissioners—non-territorial—one, the Bengal National Chamber of Commerce—non-territorial—one, the Bengal Muslim Chamber of Commerce—non-territorial—one, and the Marwari Chamber of Commerce—non-territorial—one'."

(The motion was negatived.)

Mr. PRESIDENT: The House now stands adjourned till 8 a.m. to-morrow.

Adjournment.

The Council then adjourned till 8 a.m. on Thursday, the 22nd June, 1939.

Members absent.

The following members were absent from the meeting held on the 21st June, 1939:—

(1) Mr. Humayun Reza Choudhury.

(2) Alhadj Khan Bahadur Shaikh Muhammad Jan.

(3) Begum Hamida Momin.

(4) Rai Sahib Jatindra Mohan Sen.

B. G. Press—1939-40—4759A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 22nd June, 1939, at 8 a.m., being the twenty-third day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Assistant Police Sub-Inspector Maulvi Sarafuddin Ahmed.

111. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Sarafuddin Ahmed, a Muhammadan Assistant Sub-Inspector of thana Muradnagar in the district of Tipperah, was interesting himself in Moslem League politics and that he dispersed a Congress meeting in Bangora on the last *Poush Sankranti* day at the instance of some Moslem Leaguers?

(*b*) Is it a fact that the same Assistant Sub-Inspector in one instance and Rayesuddin Ahmed, a Moslem Leaguer of village Nabiabad, in another instance, together with some village *mullahs* urged upon Muhammadan crowds of village Purbadhair and its neighbouring villages the desirability of taking possession of a certain very old dilapidated structure situated in the said village Purbadhair to use it as a mosque?

(*c*) Is it a fact that that structure is overgrown with big trees and completely covered over with the roots of those trees and infested with birds, etc.?

(*d*) Is it a fact that structure has three openings of a door size—one in the north, another in the south and the third in the east? If so, are there in the history of mosques in Bengal such doors on three sides? If so, where?

(*e*) Is it a fact that that structure was never used within living memory as mosque for prayers by the Muhammadans?

(*f*) Is it a fact that that structure is wholly in the midst of Hindu quarters of the said village Purbadhair far away from places where Moslems reside?

(*g*) Is it a fact that that structure forms part and parcel of and is within the *raiyati*-holding of one Gurucharan Baidyakar of that village who as tenant pays rent for it to the heirs and descendants of late Ishan Chandra Chakraverti of the said village and is in possession of it?

(*h*) Is it a fact that this very holding was formerly the homestead of the ancestors of those Brahmin landlords who lived in it for over a century owning and possessing that structure as part and parcel of that homestead?

(*i*) Is it a fact that some time in the beginning of February last, the afore-mentioned Assistant Sub-Inspector who halted in the house of one Abedali of the said village Purbadhair called some Muhammadans, talked with them and then went away at between 9 and 10 a.m. passing by the site of that old structure and that the same afternoon a crowd of about three hundred Muhammadans rushed into that structure to christen it as a mosque and to use it as such, and that there was a great uproar in consequence, Hindus assembling also in large numbers?

(*j*) Is it a fact that after that rush was averted, an agitation is now going on to occupy the structure and to use it as a mosque?

(*k*) Is it a fact that the Moslems of the said village and of the neighbouring villages have their respective places of worship, that is mosques, other than the structure in question?

(*l*) Is it a fact that previous to the incident referred to in clause (*i*), both the Hindus and the Moslems in that quarter were living in perfect amity and peace for ages without Moslems making any claim whatsoever to that structure?

(*m*) Is Government aware that the situation is very serious and will Government intervene and prevent the Muhammadans from taking the law into their own hands and prevent a Hindu-Moslem clash?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) No.

(*b*) The allegation is correct in so far as it relates to Rayesuddin Ahmed. It is not a fact that the Assistant Sub-Inspector took any part in the matter.

(*c*), (*e*) to (*g*), (*k*) and (*l*) Yes.

(*d*) Yes. According to my information, there is a mosque at Nabipur, close to Muradnagar police-station, which has three doors, and is similar to the structure in question.

(*h*) Yes, but no information is available to show that the structure was ever used for any purpose by the landlords.

(*i*) No. It is a fact that about 50 Muhammadans came and began to clear the jungle round the structure on the afternoon of the 16th February, but according to my information they left the place when asked to do so by Babu Hemanga Roy, ex-President of Purbadhair Union Board, and there was no uproar. The Assistant Sub-Inspector was present in Purbadhair on the morning of the 16th February, but there is no evidence to connect him with this incident. Abedali denies that the Assistant Sub-Inspector halted at his house or called any Muhammadans there.

(*j*) No. There is a strong feeling that the Hindus should be approached to allow the structure to be used as a mosque.

(*m*) The local officers are attempting to settle the matter amicably, and my information is that there is no immediate likelihood of a breach of the peace.

Mr. LALIT CHANDRA DAS: With reference to answer (*m*), has the matter been amicably settled? Is there any latest information in the possession of the Government?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No, not at present.

Report of the Dacca Medical School Enquiry.

112. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state what is the name of the officer against whom there was an enquiry made by Mr. Tyson, the District Magistrate of Dacca, on complaints made against him by the Dacca Medical School girl students?

(*b*) Did the Hon'ble Minister promise in reply to the question put by the questioner to pass final orders on the report of Mr. Tyson regarding that officer? Has he done so? If so, what is the final order?

(*c*) What has been the decision and the remarks of the Government with regard to that officer's conduct towards the girl students of the Dacca Medical School in reference to the complaints made against him by them?

(*d*) Does Government propose to publish the report of Mr. Tyson and with it the Government decision?

(*e*) If the answer to clause (*d*) be in the negative, will the Hon'ble Minister be pleased to state the grounds therefor?

MINISTER in charge of the PUBLIC HEALTH AND MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) The name

of the officer is Khan Sahib Dr. Md. Maizuddin Khan as was stated in reply to question No. 42, asked by the hon'ble member himself on 16th February, 1939.

(*b*) and (*c*) Government have after careful consideration come to the conclusion that no action is called for against Khan Sahib Dr. Maizuddin Khan on the findings in Mr. Tyson's report.

(*d*) and (*e*) No; as it will not be in the public interest.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state when did this Officer get his title "Khan Sahib"?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not exactly remember the date, Sir.

Mr. LALIT CHANDRA DAS: Was this title conferred after the complaint of the girl students, or before?

The Hon'ble Mr. TAMIZUDDIN KHAN: Certainly not after.

Khan Bahadur ATAUR RAHMAN: Arising out of answers (*d*) and (*e*), is it not a fact that the Hon'ble Minister does apprehend that the publication of such a report will bring to public notice scandals of several respectable families?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, if I answered that question, the very purpose the Government has in view in not publishing the report will be frustrated.

The Calcutta Municipal (Amendment) Bill, 1939.

Mr. PRESIDENT: The House will now resume further discussion of the Calcutta Municipal (Amendment) Bill, 1939.

Mr. HUMAYUN KABIR: Sir, I beg to move that in clause 3 of the Bill in sub-clause (*1*), for the word "eighty-five", in line 2, the word "ninety-five" be substituted.

Sir, in this House we have already discussed at great length the number of seats we want to reserve for different communities. As proposed at present, it is laid down that there will be 47 general seats and 22 Muslim seats. In my opinion, Sir, both these numbers are inadequate. We are going to have a House in which there will be 98 members in all, and the Muslim community which constitutes about 26 per cent. of the population of this city is entitled to about that amount of representation, and I have also made it clear on more occasions than one in this House that I believe that the Hindus who constitute about

70 per cent. of the population should not be reduced to less than 60 per cent. of the representation given on the Council of the Calcutta Corporation. Therefore, Sir, the figures at which I have arrived are based on the above considerations. I would suggest that there should be 75 seats through territorial constituencies and that 20 seats should be reserved for special constituencies. Out of this 75, 51 should go to the Hindus, I should not say Hindu seats—51 should be general seats with 7 out of these 51 reserved for members of the Scheduled Castes. It may be that all these 51 seats will go to Hindus; it may be that one or two may go to the Europeans, but in any case there should be 51 general seats. I also want that there should be 24 Muslims returned directly from the territorial constituencies. That gives the figure of 75 for territorial constituencies.

As for the remaining 20 representatives of special constituencies, it is my intention,—if the House accepts the amendments which I am moving at this stage and shall move at later stages,—that 12 shall, as before, represent the commercial interests in the city. There are certain changes in the distribution of commercial interests which we have also proposed. Because, at present the commercial interests, at least so far as Calcutta is concerned, mean only the European interests. We want that the Indian commercial interests also should be represented, and for that purpose out of the 12 commerce seats, it is my intention that two should be reserved for Muslims and two should be reserved for Hindus, and 8 should go to the Europeans. Therefore, Sir, this would give two additional seats to the Muslims so that there will be 26 Muslim seats including these two. Further, Sir, it is my intention,—if the amendments which I am moving at this stage and will move at a later stage are carried,—that there should be a women's constituency for the whole of Calcutta returning two members, of which one will again be a Muslim. That will make, Sir, 27 Muslims in a House of 95, which is a little more than 27 per cent., and I think that amount of weightage will be accorded to the Muslim community by the major communities in the city. Then, Sir, this accounts for 12 plus 2 or 14 seats out of the 20 special seats, and six seats still remain to be distributed. As at present provided two seats are reserved for Anglo-Indians and two seats reserved for Labour. If I had the power in my hands, I would like that the labour representation should be increased, but at the moment I do not intend moving any amendment to that effect. So, that accounts for 4 more seats and only two seats are left, and it is my intention that these two seats should go to the Indian Christians. Therefore, Sir, if this amendment is carried, the scheme will be roughly as follows: there will be 51 Hindus returned from General constituency seats, and one Hindu woman returned from the special women's constituency; that makes 52 Hindus as far as we can forecast the results of the elections at this stage. In addition, two commerce seats will also go to the Hindus, so that there will be 54 Hindus in a House of 95 and there may be two

more from the Labour constituency. And as for the Muslims there will be 24 returned from territorial constituencies; one returned from the special women's constituency and 2 to represent Muslim commercial interests, so that there will be 27 Muslims in a House of 95. Then, there will be two seats reserved for Anglo-Indians and two seats reserved for Indian Christians and two seats for Labour, besides 8 seats proposed for European commercial interests. That is how I have come to the figure of 95. I think, Sir, this scheme, if reasonableness be the test on which this House will vote, is one which will meet with the acceptance of every section of this House.

Mr. PRESIDENT: Amendment moved that in clause 3 of the Bill in sub-clause (*1*) for the word "eighty-five", in line 2, the word "ninety-five" be substituted.

Mr. PRESIDENT: The question before the House is that in clause 3 of the Bill in sub-clause (*1*) for the word "eighty-five," in line 2, the word "ninety-five" be substituted.

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that clause 3, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 5.

Mr. HUMAYUN KABIR: Sir, I beg to move that in clause 5 of the Bill, for sub-clause (*a*), the following be substituted, namely:—

"(*a*) in sub-section (*1*)—

(*i*) the words 'if such person' in line 6, and,

(*ii*) all the clauses, viz., (*a*), (*aa*), (*b*) and (*c*), shall be omitted."

Sir, in order to explain the amendment which I am moving, it is necessary for me to refer to the Act itself. This clause deals with the question of franchise. At present, under section 20 certain qualifications of electors are laid down, and these qualifications we find in the very long and elaborate paragraphs (*a*), (*aa*), (*b*) and (*c*) which I do not propose to read out here. I will only summarise the provisions of these paragraphs. Paragraph (*a*) provides that nobody shall be a voter in the Calcutta Corporation unless he pays a consolidated rate of Rs. 12 per annum. Clause (*aa*) provides that nobody shall be a voter of the Calcutta Corporation unless he pays a motor vehicles tax of not less than Rs. 12 per year. Clause (*b*) provides that only those persons

shall have a vote in the Calcutta Corporation who pay a house rent of Rs. 25 or more per month, and clause (*c*) provides for those who live in the *bustee* areas. In the *bustee* areas, only such persons shall be eligible as voters as might have paid a consolidated rate of Rs. 12 in the previous year in respect of these *bustees*.

Sir, there is also further refinement on this point, viz., that those who pay a consolidated rate of Rs. 12 a year can become voters without application; again, those who pay the motor vehicles tax can also become voters of the Corporation without application to the Chief Executive Officer. But those unfortunate persons who pay a house rent of Rs. 25 or more, or those who live in *bustees* and who pay a consolidated rent of Rs. 12, will not automatically become voters of the Corporation. They will have to apply to the Chief Executive Officer and they will have to do so by a particular date. Now, you can easily realise the inequity of such an arrangement. People who pay the motor vehicles tax or who pay consolidated rate being the owners or occupiers of houses in Calcutta, are persons who generally enjoy a higher economic status than people who live in *bustees* or people who pay a rent of Rs. 25 a month or more. Therefore, Sir, if any advantage is to be given to any one, it should be given to people who are living in the *bustee* areas. The result of my amendment would be that there would be, for all practical purposes, a sort of adult franchise in Calcutta.

Sir, this is a question which this House must examine with seriousness. Very often we are told that we must hurry through a measure and on more than one occasion both inside and outside the House, pressure has been brought to bear,—not pressure but persuasion has been brought to bear—, upon members that we should hurry through this Bill, and that the Government do not want any alteration to be made in the Bill. Now, Sir, that sort of argument is advanced not only by this Government, but by all Governments in the world. All Governments want that there should be no change in the bills brought forward by them, as it would increase the work of the Ministry if there were any alteration in the bills that they bring forward, and if they can go through a bill without any alteration, then it is so much better for them. That would mean an easy House and a lazy Ministry. I do not think that the Ministry has any right to be lazy nor do I think that this House has any right to claim any ease or leisure in the disposal of the business which comes up before it from time to time.

Here, we have two questions to examine. First of all, the general question of adult franchise. Can we not introduce adult franchise in Calcutta? What are the arguments in favour of it and what are the arguments against it? And secondly, Sir, we have to examine this question particularly with reference to the claims which are very often made on behalf of this Ministry, and that will bring me to a consideration, to some extent, of the communal position in Calcutta.

With regard to the first question, namely, the question of adult franchise in Calcutta, I would say that it is unanimously agreed to-day that there should be adult franchise in the public bodies. Even in the Legislatures, in the British Parliament itself, adult franchise obtains to-day. And even in respect of the Legislatures for India, adult franchise has been accepted as the ideal; only certain difficulties have been recognised and it has been contended that in a vast country like India with its vast illiterate masses who have not the proper political education, adult franchise may be difficult to work. And, therefore, in the new reforms which we have had, namely, the Government of India Act, 1935, which we are operating to-day, we have not had adult franchise, but we have a scheme under which about 14 per cent. of the people are enfranchised. It was a tremendous leap. I think Sir Nazimuddin will admit that the increase in the size of the electorate has been quite colossal.

This process of enfranchising the masses should be carried further still. In the case of the Calcutta Corporation, Sir, I must say that these arguments do not apply. In the case of Calcutta, we cannot say that it consists of an illiterate mass of people scattered over a vast and undeveloped area where communications are difficult and where adult franchise will make it difficult to work the constitution. None of these arguments applies in the case of Calcutta, and if adult franchise is the goal at which all of us aim, then it is necessary and desirable that this should be experimented upon at first in a city like Calcutta. Here, I want to go into the question as to why we want adult franchise the demand for which is now of an all-India character. The reasons are quite simple. To-day, there are great inequalities between class and class in society: inqualities of income and inequality in economic status among the different groups of people in the country. Now, taxation is always a measure by which the wealth of a country is redistributed, a means by which social wealth, the entire output of the society is distributed in a particular way. Taxation takes away a proportion of the income of an individual and directs that that income should be devoted by the Government of the day for purposes which that Government recognises as ameliorative for the society as a whole. Very often our individual expenditure is anti-social or, even if it is not anti-social, it is very often unsocial. In most cases, individual expenditure does not contribute to the welfare of the society as a whole, and that is why we find that persons spend money over hundreds of Rolls Royces, while at the same time there are persons who cannot get two meals a day. Taxation is a great instrument by which these inequalities are remedied, and in order to remedy them, it is necessary that the power of taxation should come to the people. It has been made possible in other countries of the world. In England to-day, through taxation a very large proportion of the income of an

individual is governed and directed by the society. Here also, we want to do the same thing and that is why adult franchise is so necessary. If there is adult franchise, it should immediately follow that people who want to enjoy the confidence of the electorate of the country shall have to do things which are of social utility, and by introducing adult franchise we shall improve those areas in Calcutta which are most in need of improvement. I do not wish to dwell at length upon the necessity of adult franchise; it has been argued at length on so many occasions and by so many persons; and since there is practical unanimity on this point, further labouring on this point is not necessary.

I now come to the special question of Calcutta where, as I have said, communication is easy. Here, it is easy to reach the whole electorate and to organise the electorate as a whole, to reach the whole masses of the people and see that the electors understand the implications of the election contest. Then, we come to the second consideration which I have mentioned earlier, namely, the professions of this Ministry that they want to back the poorer classes of the population and particularly that the inequities from which the Muhammadan community of Calcutta has suffered so long should be remedied. If the inequality of the Muhammadan community is to be remedied, an efficient instrument for that is adult franchise. It is generally admitted that the number of Muhammadan voters in Calcutta is very small and the reasons for that are quite obvious, because most of the Muhammadans—perhaps a majority of them—cannot pay a house rent of Rs. 25 or more a month, and I should also say that the majority of Muhammadans are occupiers of houses and are not owners of houses. In sub-clause (*3*) of section 20 of the Act, you will find that occupiers as such are generally excluded from any franchise, and it is only the owners of *bustees* and those who pay a consolidated rate who have the right of voting in Corporation elections. Therefore, if my amendment is carried, that is, if adult franchise is recognised, the result will be that there will be a very large increase in the number of Muhammadan voters. A few days ago, Sir Nazimuddin in this House said that the returns of the Calcutta Corporation showed that in the majority of cases the Hindus were the owners of houses, and only in a very few cases were they Muhammadans and that is why they are not voters. If that is so, it should be remedied and my amendment will do so in the most effective manner.

If all these arguments which are brought forward from time to time are accepted as valid, then the genuine grievances of the Muhammadans will be met by my amendment. And I put it to the Government to test their profession of loyalty to what they preach,—to test whether their intentions are *bonâ fide*,—whether they really mean business or not—whether they really want to do any good to the

Muslim community, or whether they want to use the Calcutta Corporation as a means of wreaking vengeance on a political party against whom they have a special grudge,—that will be shown by their action to-day. I want also to address a remark to the Coalition Party. If they want to give the poor Muhammadans of Calcutta a fair deal, if they want the *bustees*, very many of which are occupied by Muhammadans, to be improved, if they want amenities to be given to them, then they must give their votes in favour of the amendment which I have put before the House.

Mr. PRESIDENT: Amendment moved: that in clause 5 of the Bill, for sub-clause (*a*), the following be substituted, namely:—

"(*a*) in sub-section (*1*)—

(*i*) the words 'if such person' in line 6, and,

(*ii*) all the clauses, viz., (*a*), (*aa*), (*b*), and (*c*) shall be omitted".

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have rarely found Mr. Humayun Kabir putting up such a poor case as he has done in connection with this motion. He started off with arguing that the people who pay the house-tax and the motor vehicles tax are automatically to become rate-payers and voters of Calcutta, whereas those who pay rent or the *bustee* consolidated tax, are not entitled automatically to become rate-payers but have got to apply to the Calcutta Corporation for becoming voters. Sir, the reasons for this are obvious. In the case of the motor vehicles tax-payer, or the house-tax payers, the records are there in the Calcutta Corporation from which it becomes the duty of the authorities of the Corporation to make up the list of voters; whereas in the case of those who pay rent, there is no record whatsoever in the office of the Calcutta Corporation. How is any one to know that Mr. A, B, or C, pays a rent of Rs. 25 and over a month and not of Rs. 20 or less a month? Therefore, it is essential that these people should apply in order to become voters, so that the premises on which the whole edifice of the argument of Mr. Kabir has been built are all wrong.

Mr. Kabir has also dealt with the question of adult franchise. Here I speak subject to correction, but I doubt very much if anywhere adult franchise has been introduced in the local bodies.

Mr. HUMAYUN KABIR: In Vienna and in London, adult franchise has been introduced for local bodies. I am not quite sure about London Sir, but I am sure about Vienna.

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said, Sir, I was speaking subject to correction. This may be the case in one or two local bodies, but certainly not in India. The question of adult franchise arises in connection with election to the Provincial Legislature or Central Legislature. You may claim adult franchise but there can be no question of adult franchise for the local bodies, specially municipalities, where the whole principle is that those who pay for the upkeep of a city should have the right to decide how it should be done. Therefore, here again the hon'ble member has mixed up the arguments which are used in support of adult franchise for representation as regards the Government of a country with that of the government of a municipal body which is a totally different thing and must be run on different principles.

Thirdly, as far as the question of the Muhammadans are concerned, we feel that merely giving adult franchise will be of no assistance to them, because it will only reflect the present population strength of the various communities and, what is more, even there, so far as the Muhammadans are concerned, it is doubtful whether it will be of any special benefit to them in view of the fact that it will not be possible for Muslim women to go to the poll, whereas in the case of non-Muslim women, they will be going there. Here again the argument of Mr. Kabir is fallacious. But, Sir, I may inform the House that Government do propose to deal with the question of the lowering of the franchise in the next Bill which they expect to introduce shortly. As the question of franchise is a very complicated one, they could not incorporate any new provision about franchise in this Bill, but they hope to deal with this matter in the second Bill. The Government certainly intend to lower the franchise in order to enable more people to become voters. With these words, Sir, I oppose the motion.

Mr. PRESIDENT: The question before the House is that in clause 5 of the Bill, for sub-clause (*a*), the following be substituted, namely:—

"(*a*) in sub-section (*1*)—

(*i*) the words 'if such person' in line 6, and,

(*ii*) all the clauses, viz., (*a*), (*aa*), (*b*), and (*c*), shall be omitted."

The House divided:—

AYES—12.

Chakraverti, Mr. Shrish Chandra.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Sanyal, Mr. Sachindra Narayan.

NOES—35.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Meshahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Barua, Dr. Arabinda.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Khan Bahadur Rezzaqul Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hossain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ross, Mr. J. B.
Roy Chowdhury, Kr. Krishna Chandra, O.B.E.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in clause 5 of the Bill, sub-clause (*a*) be omitted.

Sir, sub-clause (*a*) deals with the special constituency in which it is laid down that every Muhammadan shall be qualified to be an elector for a Muhammadan constituency, every Anglo-Indian shall be qualified to be an elector of an Anglo-Indian constituency and every person other than a Muhammadan or an Anglo-Indian shall be qualified as an elector of a general constituency specified in schedule (*iii*). This amendment, Sir, is by way of registering our final protest against the institution of separate electorate replacing the joint electorate as laid down in the Calcutta Municipal Act which was passed in 1923. If this sub-clause (*a*) be omitted, all special constituencies go, and what remains, Sir, is section 20, as of old. Now, Sir, Sir Surendra Nath Banerjee when he actually passed the Calcutta Municipal Act had in his contemplation the idea of making a democratic form of civic administration for Calcutta and with that end in view he actually suggested joint electorate for both the Hindu and Muslim electors, and in that, Sir, in order to get at the thing he actually gave the Muhammadans 13 seats in place of 7 seats which were their due in 1923. Those seats were raised to 15 and even to 19 as areas were added, not that they did not get any consideration for the same. When the question of separate electorate and joint electorate was being debated in the Bengal Legislative Council in 1923, there were persons, Sir, led by——

Mr. PRESIDENT: Order, order. This question has been discussed threadbare, so I hope the hon'ble member will not repeat the old arguments.

Mr. LALIT CHANDRA DAS: Very well, Sir. I bow down to the decision of the Chair and I will not say what took place in 1923. All that I desire to say is this that in communalism there is no nationalism, particularly in a country, Sir, which is inhabited by great communities like the Hindus and Muhammadans, and unless nationalism is made the order of the day there is no hope for any local self-government in Calcutta. Here communal divisions are being made; the great Muhammadan community electors will elect their own people for the Corporation thereby separating the two communities. So this, Sir, is the final protest that I make.

With these few words, Sir, I move my amendment.

Mr. PRESIDENT: Amendment moved that in clause 5 of the Bill, sub-clause (*a*) be omitted.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, on behalf of the Government we oppose this amendment. As the subject has been discussed threadbare, I do not think any useful purpose will be served by repeating the arguments. But just one thing I would like to point out and that is that there is no law and no condition which can be applied to all countries and all places. Every country has its own constitution framed according to the special circumstances and conditions prevailing there. We all believe in democracy and the European countries are supposed to have democratic forms of Government. But no two countries in Europe have got the same constitution. There is difference in the constitution of practically every country in Europe, and that is because of the special circumstances and conditions prevailing in a particular country. Therefore, it is not correct to assume that the only way in which you can attain nationalism is by means of joint electorate. There are people who honestly believe that in India the only way in which you can have a system of real democratic Government is by means of separate electorates.

Mr. HUMAYUN KABIR: Sir, I take this occasion while supporting the amendment moved by Mr. Lalit Chandra Das also to reply to one or two points which were raised by the Hon'ble Mr. Tamizuddin Khan on another occasion. I wanted to reply to that argument yesterday, but as he was absent I did not want to say what I had to say in his absence. Sir, the question of joint electorate and separate electorate has been thrashed out in this House, and I shall therefore follow Sir Nazimuddin and only say that as yet, no case has been made out even by persons who like him believe that separate electorates are better than joint electorates, to prove that separate electorates give any protection whatsoever to the Muslim minority where the Muslims are really a minority. However, Sir, the point which I

want to place before the House to-day is that there is only one apprehension about joint electorate in the minds of the minority. Intelligence should have been exercised in finding out whether some devices can be discovered by which this apprehension may be removed. Instead of doing that, the attempt to divide the communities altogether is like killing a patient because the disease cannot be cured. Sir Nazimuddin himself, I think, will agree that ultimately we must have joint electorates, we must have territorial units if we are to have proper representation. I am thankful to my friend the Hon'ble Mr. Tamizuddin Khan that he agreed with the purpose of the amendment which I moved on that day and that he also believed that there should be unity between the two communities. His only objection was that the particular formula which I had suggested was, according to him, unworkable. If it is really unworkable, certainly it is a valid argument against an attempt at compromise like that, but I do not think as yet any proof has been advanced from that side of the House that that sort of agreement is unworkable. It may be that election may fail in one case, but in the formula itself provision has been made so that if election fails in one case, on the second occasion the election shall not fail. The proviso can be easily worked. The other argument which was advanced by the Hon'ble Mr. Tamizuddin Khan is not, I think, so happy and one can hardly call it an argument at all.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, is my friend entitled to raise a question which was discussed on another day on this issue, and which is not, I believe, strictly relevant? Because we are now discussing whether we should have separate electorates or not, a particular formula that was adumbrated on another day in connection with joint electorates is not relevant to the question at issue.

Mr. PRESIDENT: The question that is now being discussed is about joint electorate. So it will be better for Mr. Kabir not to refer to the speech that he had made on that occasion; he can refute the arguments if he finds it necessary, but he should not refer to that debate.

Mr. HUMAYUN KABIR: All right, Sir, I shall not refer to that speech. But since the question we are now discussing is one of separate *versus* joint electorate, we have to examine whether there is any method by which joint electorates can remove the apprehension of the minority. Arguments were advanced against it, but I should say that if an hon'ble member of the Treasury Bench gets up and says that any one wanting a settlement of this question should have a consultation with the leaders and examine whether the formula should be acceptable by the community, that he should not suggest it on the

floor of the House but go to the leaders of the community, then my reply to this is this. It is a question which has been raised on the floor of the House and appeals are being made to the leaders of the community. Does any one in this House think that it is only with a particular individual that the leadership of a community may be deemed to rest? Is not a representative of a particular area a leader of the community in that area, and in that way, is not this House in its composite form in a better position to be leaders of all the communities? Sir, this sort of argument is no argument at all.

But the point which I wish to place before the House, though connected is somewhat distinct from the formula which was discussed as to whether joint electorate was possible while at the same time safeguarding the interests of the minority. The formula was that nobody should be returned unless he enjoyed a fair proportion of the confidence of his own community, and at the same time also enjoyed some confidence of the other community. Other formulas of a similar type may be devised. If there is a fear in the mind of the minority community that the majority may swamp them, we can arrange that the votes received from other communities shall have half or one-third value or whatever other value that we may give to it in the determination of the return of candidates. It may, therefore, be that we can make this provision that a candidate will be returned on the joint electorate on the following basis: "the votes he gets from his own community will be given full value and the votes received from other communities will be given half value." In this way, we immediately reduce by half the fear in the mind of the minority that the majority might swamp them. That, Sir, is only an alternative, but that is not the only one. There are other alternatives as well. We may also try to find out what percentage of support a particular candidate has received from the different communities, and if we take the different percentages we will get a man who enjoys the largest proportion of confidence of the different communities. There are hundreds of other devices, and I do not think that human intelligence has yet failed to think of those devices. If members of this House who claim to be leaders,—not the Ministers alone,—if members of the House sit together in a friendly atmosphere, then they can devise a means by which this vexed question of joint or separate electorate may be thrashed out and a settlement arrived at and accepted by different sections of this House.

Sir, I have for a long time taken a great deal of interest in this question and that is why I am taking such a long time of this House. About 10 years ago, the British League of Nations Union asked me to frame a scheme acceptable to the different communities in India. Student-representatives of the different communities in India who were then residents in Europe met together and we came to some sort

of an agreement as to a scheme which would be acceptable to the different communities. We have to try and find out to-day if on these lines, with the modifications necessary for local purposes, we cannot devise an acceptable scheme. Therefore, any attempt which shuts out discussion and wants to hurry through a measure like this, which wants to change, the very basis of election here in Calcutta, cannot but be characterised as mischievous. It is not those who are for having this question debated at proper length, that are doing any mischief. But it is those that want to shut out discussion without proper consideration of this Bill who are doing the mischief. This is a question which affects the whole of India and not only Bengal and if the Bengal Legislative Council sifts out the different alternatives, then the time of the House will have been well-spent. With these words, Sir, I commend the motion of Mr. Lalit Chandra Das to the acceptance of this House.

Dr. RADHA KUMUD MOOKERJI: Sir, the subject-matter of this amendment is so provoking that although I had no intention at all to intervene in this debate, I have been forced to do so on the ground of truth which I find has been somewhat misrepresented here. But I shall be as brief as possible.

My first point is that the framers of this amending Bill are unnecessarily departing from the established arrangements and the principles under which the Calcutta Corporation is being governed to-day. There is absolutely no case made out for a departure from what was established as "correct solution of the problems involved in such matters." In fact, this Council to-day is asked to go back upon what has been decided by it and what has been operating for a number of years under the old regime. In that sense, I cannot but think that the Government of Bengal, as constituted here, does not stand really for progress or for democratic ideals, but for retrogression and has certainly lowered the ideals of democracy. That is the general question which we have to face. No doubt, I feel rather dismayed by a defeatist mentality, I frankly confess that it is no use arguing in the air, but I must say once for all that there has been made out no case whatsoever for violating the existing constitution in regard to those matters which would have stood to the credit of the constitution. An amendment of a constitution should not be undertaken only to make the constitution less liberal. That is absolutely inconsistent with the spirit of democracy and the spirit of progress for which we should stand. Secondly, even from the business point of view, granting that our last experience of the working of the Calcutta Corporation showed that the general electorate does not serve the interests of a particular community, I want to be convinced whether separate electorate will be the best possible device by which the supposed interests of a minority community will be better protected. This very question was discussed threadbare

in a much higher place—I mean in the British Parliament, which is the mother of,—the prolific mother of,—so many parliaments all over the world, and there in both Houses of Parliament some of the great British publicists themselves thought that India should not be made a dumping ground for experiments on discredited principles. I was rather surprised at the remark of the Hon'ble Sir Nazimuddin who said that every country was at liberty to frame its own constitution. Certainly. Every country is supposed to be a sovereign body by itself and the sovereign body in any country is entitled to frame its own constitution, but with all the freedom which is given to every sovereign country in the world, all these countries agree wonderfully in one matter, namely, that they have never given any scope or place in their constitution to what is called separate electorate, which is unknown absolutely to history and politics. Of course, here I am speaking merely as a student of history and politics and I speak subject to correction, but so far as theoretical knowledge is concerned, I must say and I must humbly submit my remarks to Sir Nazimuddin who is armed with much higher authority; that his authority must bow down to science and history. I must acknowledge frankly on the floor of this House that separate electorate is operative and is thought of and maintained only in India and no other country in the world has ever gone near it in spite of the urgent necessity for the protection of certain minorities in Europe and the necessities were so urgent at one time that it led to the conflagration of the last Great War and yet the entire collective statesmanship of the world, the collective political wisdom of the entire humanity, did not approve of separate electorate as any kind of protection for the minority. That is my second point.

My third point is this: that even if separate electorate is resorted to, the framers of this Bill should know the consequences of enthroning this monster of separate electorate in the heart of Bengal's municipal constitution. I think they will be poisoning the spirit of the entire body-politic of the whole province of Bengal which will then have to be modelled on the basis of separate electorate with fearful consequences which this spirit of separatism will produce on all hands. I do not think that you can usher in an era of peace and good-will between the two communities on the basis of a separate electorate enthroned at the centre of things, namely, in the Calcutta Corporation itself. Now that our friends have got the power of Government in their hands, and they have established for themselves a sort of a statutory majority as a community, it is time, Sir, that they should be more generous and set their face against this vicious system of separate electorate and show to the world a noble example of their stand for democracy. In 1933, perhaps under the old Montagu-Chelmsford Constitution, our Muslim leaders felt that they were not given the place to which they were entitled on the ground of population

strength. But all that history is over now, and as the majority community in the province of Bengal they have got a special statutory protection through various devices with the result that they now form the sovereign authority of this province. Therefore, let them show this act of generosity, this generous gesture by which the ideal of democracy was established in the Calcutta Corporation already. This ideal should not be dethroned and replaced by something more black, something that is productive of very great evil in the future, so that the relation between the two communities should not be further poisoned by the injection of this serious poison into the body-politic.

Sir, I once more—of course I speak as if I am crying in the wilderness—I know, but still for the sake of truth, and for the sake of history and science, I must once again enter my academic and theoretical protest against this very retrograde attempt to instal separate electorate on a false pretext, because there cannot be any protection to a minority under a system of separate electorate. I therefore hope, although I cannot but hope against hope,—for, after all, hope springs eternal in human breast,—I still hope that the powers that be will be generous enough in understanding the consequences of what they are doing to-day, and once more make a gesture by which democratic ideals will not be absolutely killed in the Calcutta Corporation.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I had no intention to take part in this debate, but the references that my friend Mr. Kabir has made to certain matters compel me to take my stand. My hon'ble friend deserves to be congratulated on the tenacity he has shown in pursuing forlorn causes. Although the question of joint electorate versus separate electorate has been discussed threadbare on the floor of the House, still I find that there is no lack of enthusiasm on the part of some members to convince some sections of this House that joint electorate is better than separate electorate, and that under the present circumstances we should go in for joint electorate. Sir, Mr. Humayun Kabir has tried to throw some light on a formula which has already been shown to be an exploded one, and I think, Sir, in trying to throw light, he has made confusion worse confounded. I have not understood him at all when he attempted to make one point clear before the House that he has devised a system whereby the communities which are in favour of separate electorates will not have to entertain any suspicion in future, if joint electorate is introduced.

Mr. LALIT CHANDRA DAS: No question of suspicion arises.

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, there is that suspicion. Why does the Muhammadan community now want separate electorates? Because they have this suspicion that unless they have

separate electorates in the Calcutta Corporation their interests will not be safe. That is their apprehension. It is admitted on all hands that joint electorate is the only ideal that should be kept in view. But separate electorate is demanded by the Muslim community as a temporary make-shift, because under the present circumstances if there is no separate electorates, their interests will not be safe. How those interests will not be safe has been shown. It is clear that in a system of joint electorate the whole community will vote and therefore the community that commands a majority of votes will decide the results of elections. Therefore, if the Muhammadans have any separate interests, those interests will not at all be represented in the Corporation. That is their apprehension.

Now, my friend Mr. Humayun Kabir says that large questions like this can very well be solved on the floor of the House by the power of arguments. I think, Sir, my friend is a hopeless idealist. Minor questions may be decided on the floor of the House by argument. But on a question like separate electorate *versus* joint electorate, I do not think that my friend with his eloquence will ever be able to convince the Muslims that joint electorate is better than separate electorate. Therefore, I still hold to my view that if any gentleman wishes to make peace between the two communities, he must approach the leaders of the communities and try to convince them that the course he is advocating is the right course to follow. Unless they are convinced, simply by adducing ingenious arguments on the floor of the House to expect that a particular community will be convinced on a point of vital interest is nothing but futile.

Mr. PRESIDENT: The question before the House is that in clause 5 of the Bill, sub-clause (*a*) be omitted.

(The motion was negatived.)

Mr. HUMAYUN KABIR: Sir, I shall take my stand on the words which have been just now used by my friend the Hon'ble Mr. Tamizuddin Khan. I am a persistent fighter. I do not deny it and very often it may be that I take up a cause and fight——.

Mr. PRESIDENT: Will the hon'ble member move his amendment first?

Mr. HUMAYUN KABIR: I am sorry, Sir. I beg to move that in sub-clause (*a*) of clause 5 of the Bill, in paragraph (*iii*), the words "other than a Muhammadan or Anglo-Indian" be omitted.

Sir, the purpose of this amendment should not meet with any objection from the members of the Coalition Party at any rate. This does not touch the Muhammadan constituencies in so far as there is separate electorate for the Muhammadans and separate seats for them. The

Anglo-Indian seats are also not touched. I only want to provide that there should also remain a provision for Muslims or Anglo-Indians to contest seats from the general constituency, if they like, in addition to any seats that may be specially reserved for them. As I was saying a moment ago, I take my stand on what the Hon'ble Mr. Tamizuddin Khan has said. The cause I support seems at the moment a hopeless cause. But on more occasions than one, we have found that a cause which is hopeless to-day becomes a hopeful one the day after that. Sir, I have had the honour of being a member for a long time of a University which has the name "the Home of lost causes". It did not matter very much if the causes were lost, so long as the causes were fought for. It is enough that the causes were presented before the public and were struggled for and were contested, and I for one shall not yield till I have contested every inch of the ground. Here, Sir, I think is the last slender bridge which remains between the two communities. In our part of Eastern Bengal, and I think here also my hon'ble friend Mr. Tamizuddin Khan will agree with me, we have a sort of bridge which is hardly a bridge. There is one thin piece of bamboo which extends some times over a fairly long canal or *khal* and people pursue their precarious path across this while the torrents rage below. My amendment, Sir, is an amendment of that type. The division has already been made. As soon as we accepted sub-clause (*i*) and sub-clause (*ii*) of this clause, the division between the communities was already made. There are separate general constituencies, there are separate Anglo-Indian constituencies, there are separate Muslim constituencies. All that I now want is that that sort of precarious bridge should still remain. I can understand that there will be some objection on the part of some of my Hindu friends to this suggestion. It would perhaps be natural. Because here this amendment, if it is carried, would really encroach upon their rights. Their rights have been sufficiently encroached upon, because their seats have been reduced and the pressure which they have in the past exercised through their majority on the Muslims and other representatives, has also been taken away. But even then, I think they should agree that in certain cases they should retain a sort of a slender thread of unity, a silver lining in the cloud,—if I may use that term,—which would unite the two communities together. I shall not take much time of the House and I would commend it to the acceptance of the House and still hope for the best.

Mr. PRESIDENT: Amendment moved that in sub-clause (*a*) of clause 5 of the Bill, in paragraph (*iii*), the words "other than a Muhammadan or Anglo-Indian" be omitted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose the amendment. Sir, a similar amendment was moved by Mr. Humayun Kabir on the last occasion and I pointed out on the floor of this House that

the amendment was illogical in a case of election by separate electorates. Had there been joint electorates with reserved seats, it would have been logical for Muslims to stand in the general seats which may be considered the Hindu seats or for Hindus to contest the Muslim seats. But in a case of separate electorate, such an amendment is out of place, and we therefore oppose it.

Mr. PRESIDENT: The question before the House is that in sub-clause (*a*) of clause 5 of the Bill, in paragraph (*iii*), the words "other than a Muhammadan or Anglo-Indian" be omitted.

(The motion was negatived.)

Mr. HUMAYUN KABIR: Sir, the amendment No. 155 which I am now called upon to move consists of two clauses, one dealing with eligibility of women to become voters and the other relating to the Indian Christians. May I have your permission, Sir, to move them separately as two amendments?

Mr. PRESIDENT: You may move the first portion and can omit the second portion, if you like.

Khan Bahadur NAZIRUDDIN AHMAD: On a point of order, Sir. The amendment was tabled as one amendment with two clauses. There is no point in dividing it just now. He may move the whole thing, but at the time of voting you may put them separately. The effect of dividing them now at the time of moving will be that my friend will get two opportunities of speaking and he will inflict, of course, very much innocent torture, on this side of the House.

Mr. PRESIDENT: Order, order. I hold that in clause 5, in sub-clause (*a*), after paragraph (*iii*), in the amendment given notice of by Mr. Kabir, instead of Anglo-Indians, it should read as Indian Christians. Mr. Kabir, you move them together, but I shall put them to vote separately.

Mr. HUMAYUN KABIR: I do not mind moving them together so long as voting is separate, and I shall not inflict a speech in spite of the apprehensions——

Khan Bahadur ATAUR RAHMAN: On a point of order, Sir. The question of adult franchise in the case of men have already been negatived. Is it necessary or is it in order to move an amendment in case of the women electors? I think on that ground this amendment should not be moved.

Mr. HUMAYUN KABIR: There is some misapprehension in the mind of the hon'ble member. There is nothing about adult franchise in this amendment. If he will read the Act carefully, he will find that this has nothing whatsoever to do with adult franchise, because it is only part of a clause, and this is qualified by certain words in the Act.

Sir, I beg to move that in clause 5 of the Bill, in sub-clause (*a*), after paragraph (*iii*), the following new paragraphs be added, namely:—

"(*iv*) every women shall be qualified as an elector of the Women's constituencies"

and secondly, I move that—

"(*v*) every Indian Christian shall be qualified as an elector of the Indian Christian constituencies."

Sir, I think there is an apprehension in the mind of my hon'ble friend Khan Bahadur Ataur Rahman that this amendment proposes to give adult franchise to women or Indian Christians when that right has been denied to the more dignified males of other communities. There is no such intention in my amendment. If he will look at the general wording of the amendments, he will find that in every case the form of language is the same and these general clauses are qualified by certain words "that if such and such persons possess such and such qualifications". Therefore, his apprehension that this amendment will give adult franchise to women while denying that right to men, is entirely unfounded. I shall not, Sir, as I said before, inflict a speech on this occasion in spite of the apprehensions of my hon'ble friend Khan Bahadur Naziruddin Ahmad, though I know it is perhaps easy enough to provoke him to reply.

The arguments for women to be represented on the Corporation have been sufficiently thrashed in this House. The House decided against nomination being given to women. But my hon'ble friend Khan Bahadur Maulvi Muhammad Ibrahim and others feel,—and with them I agree,—that women should be represented in the Calcutta Corporation and it is necessary that they should be represented through an electorate of their own. We do desire that there should be women who would come through nomination as well as through election. We have not been able to tie down the Government to any commitment. But, nevertheless, even now we hope that Government will be chivalrous enough, and I think the Hon'ble Mr. Saheed Suhrawardy who is for all practical purposes the sponsorer of this Bill in this House, in view of his past, will be chivalrous enough, to recognize this right of women to be elected to the Calcutta Corporation.

With regard to the Indian Christians, Sir, their rights have been neglected by this Government. The Government itself have admitted that. The Indian Christians who have in the past been invariably nominated to the Calcutta Corporation, have been ignored altogether in the present Bill, and it is necessary that there should be some provision for representation also of the Indian Christians in the Calcutta Corporation. All the different communities have been represented. Europeans who form a microscopic minority have been given 12 seats, but Indian Christians who, I am sure, form a larger proportion of the population of Calcutta have been denied all facilities. Certainly, Sir, what is sauce for the gander should be sauce for the goose also. If that principle is accepted, if European representation is accepted, if Anglo-Indian representation is accepted, what crime have the Indian Christians committed that they should be left in the lurch in this manner?

With these words, Sir, I beg to move these amendments separately.

Mr. PRESIDENT: Amendment moved that in clause 5 of the Bill, in sub-clause (*a*) after paragraph (*iii*), the following new paragraphs be added, namely:—

"(*iv*) every woman shall be qualified as an elector of the Women's constituencies; and

(*v*) every Indian Christian shall be qualified as an elector of the Indian Christian constituencies."

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose the amendment. The principle underlying the amendment is that there should be separate women's constituencies. This matter has already been discussed on the floor of the House and has been rejected, and the House has already given expression to its opinion that women electorates should not be separately defined. I would like here, Sir, to state the attitude of the Government in regard to this Bill. We propose to oppose all amendments which may alter the character of the Bill fundamentally or otherwise, and we hope that in course of time this Bill will be presented again before the House in the same form in which it was presented on the original occasion and that the House will pass it in that form without any alteration.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have only one word to say in opposing this amendment and it is this. My hon'ble friend who moved this amendment asked for separate electorate for women, but, Sir, he has always been opposed to separate electorate and has been in favour of joint electorate. So, it is not at all understandable why in this particular case he suggests separate electorate. I

think, Sir, that male candidates should be sufficiently chivalrous to vote for women in the general constituencies. So, on his own logic, the hon'ble member cannot claim separate electorate for women.

Mr. PRESIDENT: I shall now put the two parts of the motion separately.

The question before the House is that in clause 5 of the Bill, in sub-clause (*a*), after paragraph (*iii*), the following new paragraph be added, namely:—

"(*iv*) every woman shall be qualified as an elector of the women's constituencies."

The House divided:—

AYES—16.

Bose, Rai Bahadur Manmatha Nath.
Chakravorti, Mr. Srish Chandra.
Choudhury, Mr. Moazzemali.
Das, Mr. Lalit Chandra.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Mukherji, Rai Bahadur Satis Chandra.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Roy, Mr. Amulyadhan.
Sanyal, Mr. Sachindra Narayan.
Sarker, Rai Sahib Indu Bhusan.
Sinha, Rai Bahadur Surendra Narayan.

NOES—34.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Meshahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Khan Bahadur Rezzaqul Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabazada Kamruddin.
Hossain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohammed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Roy Chowdhury, Mr. Krishna Chandra, O.B.E.
Ross, Mr. J. B.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur. M.
Singh Roy, Mr. Saileswar.

(The amendment was negatived.)

Mr. PRESIDENT: I will now put the second part of Mr. Kabir's amendment.

The question before the House is: that in clause 5 of the Bill, in sub-clause (*a*), after paragraph (*iii*), the following new paragraph be added, namely:—

"(*v*) every Indian Christian shall be qualified as an elector of the Indian Christian constituencies."

The motion was put to vote and a division was called.

(While the division bell was ringing.)

Khan Bahadur ATAUR RAHMAN: Sir, may I have your indulgence to suggest that this division may be taken by show of hands?

Mr. PRESIDENT: During a division, there cannot be any speech.

The House divided:—

AYES—11.

Das, Mr. Lalit Chandra.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Mukherji, Rai Bahadur Satis Chandra.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Roy, Mr. Amulya Dhan.
Sanyal, Mr. Sachindra Narayan.

NOES—32.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Khan Bahadur Rezzaqul Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hossain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ross, Mr. J. B.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.

(The amendment was negatived.)

Mr. PRESIDENT: The next amendment of Khan Bahadur Naziruddin Ahmad is merely a verbal amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I move a portion of my amendment to make it an absolutely formal amendment? I move that in clause 5 of the Bill at the end of sub-clause (*a*), the proposed sub-paragraphs (*i*) to (*iii*) be enclosed within inverted commas. In fact, the sub-paragraphs in question are to be substituted for something else. It is the universal custom in such cases to specify such amendments by enclosing them within inverted commas. At first, I thought that it was a printing mistake, as one of my friends suggested, but I have carefully verified it and I found it was not a printing mistake at all. This portion of the Bill-clause was introduced in the Assembly during the debate by an amendment and in that

amendment the inverted commas were absent. It is not thus a printing mistake. This is purely a verbal amendment and I think every section of the House will agree to it.

Mr. PRESIDENT: Amendment moved that in clause 5 of the Bill, at the end of sub-clause (*a*), the proposed sub-paragraphs (*i*) to (*iii*) be enclosed within inverted commas.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not know whether it was necessary to move this amendment, because I understand it is in the inherent power of the President to make the necessary changes, but as the amendment has been moved, we accept it.

Mr. PRESIDENT: The question before the House is that in clause 5 of the Bill, at the end of sub-clause (*a*), the proposed sub-paragraphs (*i*) to (*iii*) be enclosed within inverted commas.

(The motion was agreed to.)

Mr. HUMAYUN KABIR: Sir, I want to move only a part of amendment No. 158 and not the whole of it, namely, that in clause 5 of the Bill after sub-clause (*a*), the following new sub-clauses be inserted, namely:—

"(*aa*) in sub-section (*1*) (*a*), for the word 'twelve' occurring in line 15 the word 'three' shall be substituted;

(*aaa*) in sub-section (*1*) (*b*)—

(*i*) for the word 'twenty-five' in line 10 the word 'two' shall be substituted."

I do not move the other portion of the amendment. I want to move only these two portions, but there is another portion of the amendment which has been placed under 163. May I move that at the same time? It is a part of the same amendment.

Mr. PRESIDENT: Yes, you move it along with this.

Mr. HUMAYUN KABIR: I also move that the following new sub-clause be inserted, namely:—

"'(*aa*) in sub-section (*1*) (*c*), for all the words beginning with 'and on account of' in line 9, and ending with 'purpose' in line 14, the following shall be substituted, namely:—

'has as such owner or occupier, as the case may be, paid directly or indirectly to the Corporation a sum of not less than three rupees in respect of the consolidated rate during the said year'."

Sir, I have already moved to-day in this House an amendment which sought to introduce adult franchise in Calcutta. That has been turned down by the House. The argument advanced by Sir Nazimuddin was that only people who have a certain stake should have the right of the vote. I do not accept that principle, Sir, and I do not think it is the generally accepted principle in other parts of the world. There may be certain areas in which corporations and municipalities are run on the principle that those who pay the rates shall enjoy the benefits, but there are also corporations in this world, there are municipalities where the city administration is run for the interest of the population as a whole, and I gave him the instance of the Vienna Corporation where the whole corporation was run in the interest of the community as a whole and where adult male franchise obtains. In case of the London County Council also, I think there is adult male franchise though I am not positive on that point. But, nevertheless, even though there be no adult male franchise in the London County Council, the policy of the London County Council is shaped in the interest of the population as a whole, of the community as a whole and not in the interest of only those who live in May Fair or in other more favoured parts of the city. Recently, Sir, in Bombay also one of the Ministers—I forget his name—in placing a Bill in the Legislature there said, "I want to tax the residents of the Malabar Hill in order to beautify the suburbs of Worli". I would, Sir, only paraphrase that and say that we want that in Calcutta also Chowringhee, Dalhousie Square and Clive Street shall be taxed so that the slums of Mechua Bazar and Beniapooker and Entally may be beautified. Therefore, Sir, the principle which was laid down by the Hon'ble Sir Nazimuddin that the Corporation will be run to-day in the interests of only those who have property, is a principle which I do not accept. Nevertheless, Sir, the question of adult franchise has been defeated in this House, and since that has been defeated, I cannot reopen that question. At the same time, taking my stand on what Sir Nazimuddin himself said that the lowering of franchise is desirable and is in contemplation of Government itself, I have moved this amendment and in order to meet certain arguments which he advanced, I have omitted a certain portion of the amendment and I have not moved it at all. He pointed out that in the case of persons who live in hired houses, their applications have to be submitted as otherwise there may be difficulties for the Corporation in making a list quickly. For this particular election that may be a valid argument and for that purpose I have not moved that part of the amendment. I only want that people who pay a much lower rate of rent than is the custom to-day, should also be given the right of voting in the Corporation. Sir, if my amendment is carried, there will be the following changes.

First of all, everyone who pays a consolidated rate of Rs. 3 shall automatically become a voter. That is what is provided in clause (*a*) of sub-section of section 20. At present, section 20(*1*)(*a*) provides that

persons paying Rs. 12 as consolidated rate automtically become voters in the Calcutta Corporation. I propose, Sir, that people who pay Rs. 3 and not Rs. 12, shall become voters in this manner, and since by reason of paying the consolidated rates their names are already there in the lists of the Calcutta Corporation, no question of any application on their part arises.

Then, with regard to clause (*aa*) of sub-section (*1*) of section 20, I want the same change to be made. In respect of the motor vehicles tax of Rs. 12, it should be lowered to the figure of Rs. 3.

Then, Sir, at present only those who pay Rs. 25, are voters. As I have already said in moving the previous amendment, it is in the main the Muslims who constitute the poorer section of the community in Calcutta, and it is therefore they who will be mainly benefited if an amendment of this type is carried. Sir, many of the people who live in *bustees* pay Rs. 2 or Rs. 3 as house-rent per month. At the present time, they are shut out from the amenities of the Calcutta Corporation, because they are not voters. It is general knowledge that only the voters can exercise pressure upon the Corporation Councillors. Nothing much is done anywhere without the power of vote and the same state of affairs obtains in the Calcutta Corporation as well. Therefore, Sir, I propose that persons who pay Rs. 2 as house-rent per month and have done so for the last six months shall be voters in the Calcutta Corporation.

Then, Sir, with regard to the *bustee* areas, I have also made similar changes and want that people who pay Rs. 3 as consolidated rate should be entitled to vote in the election to the Calcutta Corporation. It is common experience, Sir, that if you give vote to the *bustee* areas, the next day those who intend to become councillors of the Calcutta Corporation will present themselves, perhaps belatedly, to those neglected areas. There are not proper sanitary arrangements, there are not proper lighting arrangements and those amenities of ordinary civic life should be improved. Therefore, Sir, it is necessary that the vote should be given to this class of persons.

With these words, Sir, I move this amendment for the acceptance of this House.

Mr. PRESIDENT: Amendment moved: that in clause 5 of the Bill, after sub-clause (*a*), the following be inserted, namely:—

"(*aa*) in sub-section (*1*), for the word 'twelve' occurring in line 15, the word 'three', shall be substituted;

(*aaa*) in sub-section (*1*) (*b*)—

(*i*) for the word 'twenty-five' in line 10 the word 'two' shall be substituted".

And the following new sub-clause be inserted, namely:—

"(*aa*) in sub-section (*1*) (*c*), for all the words beginning with 'and on account of' in line 9, and ending with 'purpose' in line 14, the following shall be substituted, namely:—

'has, as such owner or occupier, as the case may be, paid directly or indirectly to the Corporation a sum of not less than three rupees in respect of the consolidated rate during the said year'."

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, perhaps it will cut short the debate if I were at this stage to outline the attitude of Government on this question. I am not quite certain, Sir, whether I would be wrong if I were to submit to you that this amendment is really outside the scope of the Bill itself, but as this amendment has been moved and has been allowed by you, I shall make my submission with regard to it. Government are not opposed to a lowering of the franchise, and in the next Bill which they propose to introduce and which is expected to be a more comprehensive Bill, they intend making provision for a lowered franchise. But, Sir, a lowering of franchise requires considerable care and attention and previous study. Also, we should like to know the views of the public in the matter and the views of the Calcutta Corporation itself. Since this matter cannot be treated in an off-hand manner, I think it will not be proper on the part of any Legislature to pass its judgment on a matter of this kind without previous consultation with those whose interests will be affected by such a move.

I would like, Sir, before I sit down, just to state this. I understand that Sir Nazimuddin never stated that the Calcutta Corporation should be run in the interests only of rate-payers. What he had stated was that in the running of the Corporation, the rate-payers or those persons who had a stake in the Corporation should have a voice and that they should be the persons who should guide the affairs of the Corporation. Obviously, the Corporation should be run in the interests of the vast majority of the people and particularly in the interests of the poorer sections of the people who are unable to help themselves. I therefore oppose the motion of Mr. Kabir.

Mr. PRESIDENT: In the speech of Mr. Suhrawardy, incidentally a point of order has been raised. So, I think I must inform the House that I have considered the matter carefully. As the House has accepted clause 3 in which the number of elected councillors has been raised from 77 to 85, I considered that the question of a larger enfranchisement of the rate-payers would be relevant. So, I permitted this amendment to be moved.

Mr. HUMAYUN KABIR: Sir, before you put the motion to vote, may I say that in view of the assurance given by the Hon'ble Mr. Suhrawardy that Government are definitely committed to the principle of lowering the franchise, I beg to withdraw the amendment with the leave of the House.

The motion of Mr. Humayun Kabir was then by leave of the House withdrawn.

Mr. HUMAYUN KABIR: Sir, I beg to move that in sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*3*), after the words "Bengal Chamber of Commerce," the words "Bengal National Chamber of Commerce, the Muslim Chamber of Commerce and the Marwari Chamber of Commerce" be inserted.

Sir, this is an amendment which I think requires no defence. It is absurd that this state of affairs has been permitted to exist for such a long time according to which no other commercial interests of this city have been represented excepting only the European interest. I do not for a moment question that the Europeans have contributed a great deal to the building up of this city of Calcutta, but at the same time I claim that this has been possible for the Europeans on account of the co-operation that they have received from the entire Indian mercantile community. Not only that; if the Europeans have built up the city of Calcutta, they have built it up with Indian money, with Indian labour. All the money which has gone to the building up of the city of Calcutta has been derived from Indian sources and the Europeans have given only a bare fraction of what they have exploited from the tremendous resources of Bengal. Only a fraction of their profits has gone to the building up of the city of Calcutta and the rest has been transferred across the seas. However, Sir, I do not want at this stage to enter into the long history of the commercial relations between England and India. That history, Sir, has already been recorded, and constitutes a definite stain upon the economic history of Great Britain. We all know how the industries of Bengal were ruined one after another, namely, the cotton industry, the textile industry and the shipping industry. However, I do not want to enter into that history to-day. All that I claim is that the Europeans derived their money from this country, exploited the resources of this country and did it with the help of Indian middle-men. Therefore, Sir, if the commercial interests of the Europeans in Calcutta are very large, they are large only on account of the co-operation that they have received from the Indian mercantile community. At one time, it was possible for the East India Company to prevent any development of Indian trade and commerce in the hands of Indians and you know, Sir, how Mir Kasim had to lose his throne because he wanted to relax the rule under which trade was practically the monopoly of the European servants of the East India Company.

Since that time, many years have passed but the niggardly and step-motherly policy of the Government of India has not been changed. It goes on not in the interest of Indians but in the commercial interests of the European commercial magnates who are to-day the real rulers of India. The Indian Civil Service, whatever that may be, carry out the orders and we know how the Cotton Excise policy and other commercial policies of the Government of India to exploit the resources of India in the interests of Great Britain, have been pursued. Recently, there have been some change in this state of affairs,—and I do not deny that,—on account of the pressure exerted by Indian public opinion, on account of the instrument, the non-violent instrument if I may say so, which has been used by the Indian public. The Europeans have lately been forced to relax a portion of the death-grip which they had upon the economic life of the province.

Nevertheless, Sir, my contention remains that the middlemen throughout have been the Indians, and if the Europeans have taken Indian money to build up the city of Calcutta, they cannot claim any special privilege. But why, Sir, 12 seats should be given to them alone? Why Muhammadan commercial interests, why Hindu commercial interests should not be represented in the Calcutta Corporation? If vested interests are to have any voice at all, let those vested interests be represented without any distinction of community, class or race. Why should there be racial discrimination, and I think, Sir, that giving a vote to the Bengal Chamber of Commerce, the Calcutta Trades Association and the Port Commissioners, is nothing but a case of racial discrimination in favour of the Europeans? And to that extent, it is perhaps against the spirit of the compromise which has been effected in terms of the Government of India Act, 1935. Therefore, I think that it would be graceful on the part of the European members of this House to agree to give up a portion of the spoils which they have enjoyed so long. On many occasions the Europeans have butted in in matters with which they had no concern. When the question of separate electorate *versus* joint electorate was debated, that was a question which primarily concerned the Hindus and Moslems. In that question also, European members butted in. But it has been their business throughout the history of the connection of India and England to but in in this manner and to use one community against the other. To-day, if they are wise, if they see the signs of the time, they will relax their grip, they will give up a share of their spoils before the time comes when the united poeple of India will rise to a man and take away from them what they are not now willing to give. With these words, Sir, I move my amendment for the acceptance of the House.

Mr. PRESIDENT: Amendment moved that: in sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*3*), after the words

"Bengal Chamber of Commerce," the words "Bengal National Chamber of Commerce, the Muslim Chamber of Commerce and the Marwari Chamber of Commerce", be inserted.

Dr. RADHA KUMUD MOOKERJI: Sir, I rise to support very strongly the amendment that has been put forward just now by Mr. Humayun Kabir. I do not like to repeat the arguments that Mr. Kabir has brought forward in support of his extremely fair and just amendment. I shall only add to his arguments some special points and that is that the Corporation of Calcutta, since it is going to be reorganised, must always take account of the various signs of progress that the city has been making in all directions. One of the most important signs of the city's progress is the development of commercial interests upon which the city depends for its prosperity. But if we are not sufficiently dynamic in our point of view, if we do not move with the times, if we shut our eyes to the facts and signs of progress which are visible all around us, I do not think that we shall do our duty as legislators with our retrograde schemes. After all, the Corporation of Calcutta is not something that is static or devoid of life. It is an organism endowed with life. It is a growing organism and the growth of Calcutta must always depend on the growth in the manifold spheres of its civic activities. I therefore think that whereas this Bill is trying to make an advance upon many features of the Act which it is going to amend, in regard to most important commercial interests of the city, the legislative scheme that is before us does not take sufficient account of the great progress that the city has been making in the field of commerce and industry. Now-a-days the interests of both inland and foreign commerce of the city cannot be administered by and cannot be the monopoly of the three fortunate institutions that have been named here, namely, the Bengal Chamber of Commerce, the Calcutta Trades Association, and the Commissioners for the Port of Calcutta. I am not at all disinclined to accord the fullest possible recognition to the great part taken in the building up of the city of Calcutta by the various commercial interests which are represented by these associations. I myself have spoken several times on the value of the contribution that has come from the European community towards the growth of Calcutta and I may say that Calcutta as it is now has been the creation originally of the British enterprise; but at the same time I must say that much water has been running down the Hooghly since 1923 and ever since 1933, and now in 1939, comparing the city of Calcutta with the city of Bombay, one is struck by the enormous growth seen in Bombay of the Indian interests in the trade of India. There you feel overwhelmed with a sense of the very large part taken by the Indian community as such in the trade of that city. Well, I should think that Calcutta should not be made to appear as if she is hopelessly lagging behind the sister

city of Bombay with whom she has a sort of rivalry, though a healthy rivalry. Therefore, since the Corporation is going to be the custodian, not merely of the present but also of the future prospects of the city this responsibility should be given a statutory expression by an actual provision that the administration of the city must recognise the various other associations that have sprung up, and are rendering good account of themselves in the vast sphere of commercial interests and I do not think that our European friends can legitimately object to this claim for a participation or co-operation by Indians in regard to the administration of the commercial interests of the city.

I do not think that you can maintain the monopoly of representation of the Europeans and confine the representation of commercial interests of the city to the three associations named. As I have already said, there has been much progress since then and there is no harm in admitting to fellowship and to co-operation other Chambers of Commerce which are very important now for the time being, namely, the Bengal National Chamber of Commerce, which has been given its due representation in the Legislature, the Muslim Chamber of Commerce, to which we wish every prosperity and success in the near future, and the Marwari Chamber of Commerce, about whose part in commerce the European community itself is so very alive. I therefore think that this is a very very innocent proposal and at the same time a necessary proposal. It is necessary because the administration of the city must recognise that there has been progress in the city in all directions specially in the field of commerce, and therefore from that point of view I strongly appeal to the good sense of the legislators assembled here so that they may without any note of dissent adopt this very inoffensive proposal and not look to the very narrow interest of the balance of forces between communities. While considering this amendment they should sweep away all considerations of narrow sectarian interests. They should be inspired by a broader outlook, so that the Calcutta Corporation might have on its Governing body representation of every conceivable interest that makes up the city of Calcutta——

Mr. PRESIDENT: Order, order. The House now stands adjourned till 8 a.m. to-morrow.

Adjournment.

The Council then adjourned till 8 a.m. on Friday, the 23rd June, 1939.

Members absent.

The following members were absent from the meeting held on the 22nd June, 1939:—

(1) Mr. Humayun Reza Chowdhury.

(2) Mr. Kamini Kumar Dutta.

(3) Alhadj Khan Bahadur Shaikh Muhammad Jan.

(4) Begum Hamida Momin.

(5) Rai Sahib Jatindra Mohan Sen.

(6) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 23rd June, 1939, at 8 a.m., being the twenty-fourth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Pali and Buddhistic Studies in the Dacca University.

113. Khan Bahadur NAZIRUDDIN AHMAD (on behalf of Dr. Arabinda Barua): (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(i) whether there is a Department of Pali and Buddhistic Studies in the University of Dacca; and

(ii) if not, whether Government is aware that the important branch of the study of the history and culture of ancient India is being neglected by the Dacca University?

(b) Does Government propose to take steps for the inauguration of a Department of Pali and Buddhistic Studies in the University of Dacca?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) (i) There is no such Department.

(a) (ii) No. There is provision for the study of the history and culture of ancient India in both B.A. and M.A. courses of the Dacca University.

(b) No, because very few students of the Dacca University take up Sanskrit.

Mr. PRESIDENT: The House will now resume further discussion of the Calcutta Municipal (Amendment) Bill, 1939..

The Calcutta Municipal (Amendment) Bill, 1939.

Mr. LALIT CHANDRA DAS: On a point of information, Sir. The day before yesterday, you were pleased to allow motions which were similar in nature to be moved separately by several members Since I have got a motion similar to the one moved by Mr. Kabir which is now before the House, may I take it that I shall have the privilege of moving it after Mr. Kabir?

Mr. PRESIDENT: You may speak in support of it.

Dr. Mookerji, who was in possession of the House when the sitting was adjourned yesterday, may continue his speech if he likes.

Dr. RADHA KUMUD MOOKERJI: Sir, I was speaking on amendment No. 165. The point that I wish to press before the Council is that the monopoly of representation of the commercial interests of the city should not be given to the three European Associations. It is time that we should break new ground and introduce to the Calcutta Corporation these new associations which have sprang up in the meanwhile for carrying on and promoting the commercial interests of the city. I think that this is a very, very small point on which the Council should bestow its serious attention. Some of the many advocates of the Second Chamber with the zeal of a new convert have been impressing upon the members of this House the need for conducting our proceedings in a manner so as to really fulfil its part in the constitution of the country. Some of the members have said that the Upper House should really operate effectively as a House of Correction of the errors of the Lower House or as a House which should supplement the deficiencies in the legislations which are sent up here from another place. If really the Upper House is to function as a revising Chamber, I think there will be found some small points at least on which revision may be very usefully applied. I believe that amendment No. 165 is one of those small points on which this Upper House ought to exercise its right of revision and its wisdom in supplementing the deficiencies of this legislation sent up from another place. Let those who have been very eloquent about this aspect of the utility of the Upper House now pause to consider in what manner exactly they are going to prove the utility of the Upper House. If it is intended that so far as the Calcutta Municipal (Amendment) Bill is concerned, there should not be introduced a single comma by way of altering the said Bill——

Khan Bahadur NAZIRUDDIN AHMAD: Why not? I have introduced four commas, not to speak of a single comma.

Dr. RADHA KUMUD MOOKERJI: But I am thinking of small mercies and not merely of a comma here and there. But this amendment is as insignificant as a comma. What is meant is this, namely, that the field of representation of the commercial interests of the city should no longer be treated as the close preserve only of the three European associations. Without belittling the value, as I have said, of the part played by European commerce in the building up of this city, I should think that it is time that the Calcutta Corporation should also recognise the part played by the Indian associations in the commercial development of the city. And since the Legislature has already accorded its recognition to these associations, I think the Upper House will be well-advised in admitting the claims of these associations for recognition in the administration of the Corporation. If even this small point does not commend itself to my friends on the opposite side who are in the majority, then the natural presumption will be that in their opinion the Upper House should function as a mere gramophone of the Lower House whose voice it must obey as its Master's Voice. Let us see what alteration we are going to make here. I am giving you a constructive suggestion. At least on one point, please show some sense of justice in according due recognition to the Indian commercial interests of the city. With these words, Sir, I hope that this amendment will commend itself to the enthusiastic acceptance of the members opposite who have already agreed that the Upper House must function effectively as a House of revision for legislations that it finds to be defective.

Mr. W. F. SCOTT-KERR: Mr. President, Sir, it is clear from the speeches we have already heard on the subject that the amendment before the House is intended to pave the way for subsequent amendments by which seats are to be allotted to the Indian Chambers of Commerce at the expense of the European representation in the Corporation. Professor Humayun Kabir, in moving this amendment, while making a supreme effort to restrain himself from mentioning either ancient history or Palestine, completely omitted to give any cogent reason as to why he thinks that European representation in the Corporation should be reduced still further. It has already been reduced by the increase in the total number of councillors without any proportionate increase in the number of European representatives. Dr. Mookerji, on the other hand, the staunch advocate of democratic principles and defender of minority interests, surprised us by forgetting his own principles in his enthusiasm for supporting this amendment. He seems to overlook the fact that an expansion of institutional representation which is the object of this amendment is diametrically opposed to democratization and therefore to his own principles, and if he had referred to previous speeches on the same subject by his illustrious predecessor Sir Surendra Nath Banerjea

whom he is so fond of quoting, he would have found that he too expressed this view for that very reason. It cannot be argued that the representation accorded to the European community falls into this category, as in their case it merely becomes a question of representation of interests.

I wish to make one point quite clear. The party to which I have the honour of belonging do not wish it to be thought that they contest the claims of the Indian Chambers of Commerce if this House considers these claims to be justified, although we should have thought that these constituencies would have found adequate representation through the general seats. All we claim, however, is that if it is decided that they should receive special treatment, they should not receive it at the expense of European representation in the Calcutta Corporation. There can be, to my mind, only two reasons at the moment, why consideration could possibly be given to a proposed decrease in the representation of the European community in the Corporation. It must be felt either that they are already over-represented or that the work of the European councillors is unsatisfactory. Neither of these points have been put forward in support of this amendment for the very good reason that they do not exist.

As regards the extent of the European community's representation, this consists only of the six Bengal Chamber of Commerce seats and the four allotted to the Calcutta Trades Association. At the last general election Europeans and Anglo-Indians formed one-tenth of the electorate; and taking into consideration the rates paid through rented property, it is estimated that Europeans pay 18 per cent. of the consolidated rates. In addition, they pay license fees on trades and professions estimated at 12 lakhs per annum. Add to these the fact that the industries they represent give employment to many thousands of Indians. Sir, we consider that a minority party with these interests is entitled to adequate representation. The figures I have put forward are given not with the idea that the European community should have additional representation; they are quoted in order to show that our community's representation should not be reduced from where it stands at present. We do not attach the importance to figures of this description that other sections of this House appear to do, for we do not ask for force of numbers and we do not believe that the affairs of the Corporation can in any logical manner be linked with party interests. The Leader of the Opposition, who is unfortunately not here at the moment, not long ago told us in answer to a point made by the Leader of the European Group that it was impossible to exclude party politics from the affairs of the Corporation. He carefuly avoided saying why and I hope he will find an opportunity later on of explaining the reason. I venture to think, however, that he may find it difficult to do so without confessing

at the same time that when party politics intrude into Corporation matters, the civic interests of Calcutta do not always receive that primary consideration to which they are entitled. Our community, therefore, while not seeking increased representation do not feel that the scales should be still more unevenly balanced against them.

After what the Hon'ble Home Minister and even a member of the Congress Party have said about the European councillors, it seems unnecessary for me to draw the attention of the House to the fact that on all sides the value of their services and the straight-forward character of their dealings has been and is still appreciated. Here is a body, representative of the European community, whose only interests so far as the Corporation is concerned are those of satisfactory civic administration. Their chief interests are those of Calcutta, and I venture to say that from what one hears and sees, they are unbiassed by outside considerations. I do not think it is too much to add that a reduction in their number from its present strength must lead to loss of efficiency in the Corporation in one direction or another.

We, therefore, oppose this amendment not only because of the principle involved but on the grounds that our community is not over-represented, that the services rendered by the European councillors in the Corporation are satisfactory and that therefore a decrease in the representation of the European community is not only undesirable but unjustified.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. President, Sir, I also rise to oppose the amendment. My esteemed friend Dr. Mookerji has said that it is a very small point. I submit, Sir, it is not a small point. It is an attempt to misappropriate some European seats for the Caste Hindus.

Mr. NARENDRA CHANDRA DATTA: Are the Muslims Caste Hindus?

Mr. PRESIDENT: Order, order.

Khan Bahadur NAZIRUDDIN AHMAD: Instead of attacking the number of seats allotted to Europeans directly, they want to attack it by the back-door method which is so much condemned by them in other spheres. They want to manipulate the European electorate and indirectly secure control over the election and have their own men and thus destroy the representation which they pretend to give to the Europeans. I believe, Sir, it is not a small point, but it is rather the point of a spearhead through which the learned doctor would cause havoc in the European representation.

I wish to reply to another point raised by Dr. Mookerji. He seems to be of the opinion that the existence of the Upper House or its effectiveness depends on a large number of amendments. I submit, Sir, that is not the view of this section of the House. In fact, the Upper House should show some amount of restraint and forebearance, some amount of dignity and consideration in sponsoring amendments. It is said in season and out of season that the Upper House must justify itself by a large number of amendments. I submit, Sir, the Upper House does not consist of so many rogue elephants who would be breaking houses, uprooting trees, and killing people—all for the sake of mere fun. That is not the function of the Upper House. It is an elderly body and it should consider things very well and then make amendments. My esteemed friend has also said that the members of the Coalition Party in the Upper House have not shown any independence of judgment inasmuch as they do not make much changes on what was done by the Lower House. But may I ask the learned doctor what is their attitude in this respect? They have consistently opposed many good and generous measures in the Lower House. May I ask him whether any of those measures which were opposed by the Congress in the Lower House have ever been supported by the Congress Party here? I think there can be only one reply to this question and I would sit down without waiting for a reply.

Mr. PRESIDENT: The question before the House is that in sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*3*) after the words "Bengal Chamber of Commerce" the words "Bengal National Chamber of Commerce, the Muslim Chamber of Commerce and the Marwari Chamber of Commerce" be inserted.

The House divided :—

AYES—14.

Bose, Rai Bahadur Manmatha Nath.
Chakraverti, Mr. Shrish Chandra.
Choudhury, Mr. Moazzemali.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Roy, Mr. Amulyadhan.
Sarker, Rai Sahib Indu Bhusan.

NOES—33.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Khan Bahadur Rezzaqui Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabjada Kamruddin.
Hosain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.

Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Roy Choudhury, Mr. Krishna Chandra, O.B.E.
Ross, Mr. J. B.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.

(The amendment was negatived.)

Mr. NARESH NATH MOOKERJEE: Sir, I beg to move that in sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*3*) the word "and" occurring in line 3 be omitted and after the words "Port of Calcutta" in the same line, the following be inserted, namely:—

"and members of the Bengal National Chamber of Commerce, of the Muslim Chamber of Commerce, and of the Indian Chamber of Commerce."

Sir, if I were only sure that my friends opposite were free to cast their votes unfettered by any mandate, if I could be only sure that my friends of the Coalition Party had the liberty of using their own judgment and were free to cast their votes being guided by their reason, I would be more encouraged to speak. But, Sir, after the statement of the Hon'ble Mr. Suhrawardy yesterday on the floor of the House I feel that no amount of argument, no amount of persuasion, no amount of reasoning is of any avail. He definitely stated on the floor of the House, Sir, that he will not permit any amendments to be made to the provisions of this Bill. In fact, he has threatened that the amendment that we made will be set aside in the Lower House and the Bill will be brought up to us very shortly in the form in which it originally emerged from the other place. Sir, I consider this an open threat to the powers and privileges of this House. I consider, Sir, that this is a challenge to the members of the Upper House to realise that no matter what they may do, no matter what they may consider as fit and proper, no change will be made in this Bill. Sir, I consider this an abuse of power. We are a minority party in this House, but we certainly expect some tolerance, some justice, some consideration from the Government and also our that we have sponsored in this House. But unfortunately, Sir, that speech of the Hon'ble Commerce and Labour Minister has gagged the whole discussion and debate on this Bill. Sir, we sympathise with the Government in their efforts to secure an easy and quick passage of this Bill. No matter how much we may desire to co-operate with them, Sir, we feel that we are entitled to discuss this Bill clause by clause and to consider the merits and to try to improve this Bill wherever and in

whatever way it is possible. But we are sorry, Sir, that not even a single speech has been allowed from the other side. We very much regret, Sir, that not even one single amendment of the many amendments that have been sponsored by the members of the opposite side has been allowed to be moved. In fact, most of them have been withdrawn. Now, coming to the amendment, Sir, there is only one question I would like to ask the Government, and that is whether they do consider that these bodies, I mean, the Muslim Chamber of Commerce, the Indian Chamber of Commerce and the Bengal Chamber of Commerce, actually deserve any representation in the Corporation or not; whether Government consider that these important bodies representing so many Indian commercial and merchantile interests should be excluded from representation in the Corporation? Sir, when this Bill was first amended in 1923, Indian commercial enterprise had not reached the state of development as it has reached to-day. I think, Sir, I shall be right in saying that to-day Indian commercial enterprise is almost equal if not greater than the European commercial interests in this city, and I do feel that it will be rank injustice if we excluded the representation of these bodies on the Corporation. They have an equally large stake in this city. In fact, I think their stake is somewhat larger than the European business interests in this city.

There is another question which I would like to put to Government. How are these bodies to be represented at all in the Corporation? When we tried to increase the total number of seats, they helped to vote down all amendments in which we tried to get these interests included in the list of Councillors for the Corporation, whether by nomination or by election. I would like to know how they propose to include seats for them in the Corporation. Sir, Government knows that the doors of the Bengal Chamber of Commerce and the Calcutta Trades Association are closed to the Indians. Not a single Indian is allowed to be a member of the Bengal Chamber of Commerce, however big his business may be and however old his business may be in the city.

Mr. E. C. ORMOND: On a point of information, Sir. Is it proper that the honourable member should make a statement of fact which is entirely inaccurate?

Mr. NARESH NATH MOOKERJEE: Can the honourable member give one instance where a member of the Bengal Chamber of Commerce has been an Indian?

Mr. E. C. ORMOND: The honourable member seems to be in Paris rather than in Calcutta not to know this.

Mr. NARESH NATH MOOKERJEE: Well, Sir, that is no answer to my question. I think there are many friends on my left who will corroborate what I have said.

Mr. J. B. ROSS: On a point of information, Sir. May I inform the honourable member that there are at least ten Indian members on the Bengal Chamber of Commerce of whom one of the largest is the Tata Iron and Steel Company and that at one time in the history of the Bengal Chamber of Commerce—between 1930 and now—one of the representatives of the Bengal Chamber who held a seat in the Corporation was an Indian by the name of Mr. Banerjee.

Mr. NARESH NATH MOOKERJEE: Perhaps Mr. K. D. Banerjee is referred to by Mr. Ross. He was one of the junior assistants in one of the European broking firms, and the fact that he was on the Corporation does not mean that he represented the Indian commercial interests there. He was an assistant in his own firm and that firm was represented through him. In those days, Indian commercial interests did not take interest in politics or civics, and it was thought that Mr. Banerjee, an Indian, could perhaps handle the Corporation affairs better. Be that as it may, I would really ask my European friends whether they would exclude sister organisations such as the Indian Chambers of Commerce, which have been in existence for more than 25 years in some cases, from representation in the Corporation. Sir, why does the Bengal Chamber of Commerce want six seats on the Corporation? The Calcutta Improvement Trust which is a very large body and is so intimately connected with the Corporation of Calcutta has only one seat and why is it that six seats should be claimed by the Bengal Chamber of Commerce? After all, it is one single body working as one unit. If they want more representation, they should really ask for separate seats to be allotted to the European community according to their population strength. I certainly understand the eagerness on their part to increase their representation, but they should not do so in this way. Sir, I have substituted the Indian Chamber of Commerce for the Marwari Chamber of Commerce and therefore I feel that a word of explanation is necessary. The reason is that in the Indian Chamber of Commerce, the Marwaris are well represented and along with the Marwaris all other trading and commercial interests are well represented too.

If we look at the work done by the European Group in the Corporation, it will be clearly seen that the reason for their asking for a big representation like this is that they want to form a separate bloc there with a view to interfere with the Congress administration. Sir, there is a general idea in this House that the Congress has been a

majority party in the Corporation and even the Premier has said that one of the objects of the Bill is to try to reduce the strength of the Congress, so far as the administration of the Corporation is concerned. I think, Sir, it is well known to you that the total strength of the Congress in the Corporation is only 28 in a House of 91. Sir, whatever the Congress has been able to do in the Corporation has been absolutely neutralised by a combination of the nominated, the European and the Independent Groups, irrespective of agreement on a common programme. This is clear from recent newspaper reports of Corporation proceedings. I am prepared to throw a challenge to the Leader of the European Group who the other day on the floor of the House made a speech clearly stating that the Congress were giving away contracts after getting large sums of money. A sweeping statement like that does not really speak well of the European Group. I would not have brought up a question like this to-day had it not been for a statement of that nature made on the floor of this House by no less a person than the leader of the European Group. We consider that to be an aspersion on the whole Congress Group. He ought to be sure of his facts before making such statements.

Sir, before I sit down, I do hope that some amount of consideration will be given to the points mentioned by me. I do hope that the European Group will look at this amendment not from a party point of view but from a just and a reasonable point of view. Here, we have merely asked for representation for other sister Chambers of Commerce. Sir, I cannot forget the speech of Mr. Suhrawardy of yesterday by which a sort of a spell has been cast on the whole House and our reason and judgment are being hampered to such an extent that I fear that even members of the European Group feel that the only way to deal with our amendments is just to vote them down. Sir, no one from the Treasury Bench has cared to make a speech opposing the amendments that we have moved in this House, but I do feel that at least on this occasion we shall get a reply from some of the members opposite and in this view, I commend my amendment to the acceptance of this House.

Mr. PRESIDENT: Amendment moved:—

That in sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*3*), the word "and" occurring in line 3 be omitted and after the words "Port of Calcutta" in the same line, the following be inserted, namely:—

"and members of the Bengal National Chamber of Commerce, of the Muslim Chamber of Commerce, and of the Indian Chamber of Commerce."

Khan Bahadur NAZIRUDDIN AHMAD: On a point of information, Sir. May I ask the hon'ble mover of the amendment as to whether the Indian Chamber of Commerce contains an Indian Muhammadan or a European?

Mr. NARESH NATH MOOKERJEE: Yes, it contains Indian Muhammadans but no European firm of any consequence. There is the European firm of Mousell & Company, but they cannot be called a representative European commercial body.

Mr. KADER BAKSH: Mr. President, Sir, I want to say——.

Mr. PRESIDENT: Order, order. If any member wants to catch the eye of the Chair, he should merely stand up in his seat and not shout. The President is not bound to call anybody simply because he shouts.

I would request the honourable members of this House to remember that already several days have been taken up in the discussion of this Bill. Besides, these matters have been covered by some of the motions already disposed of. It was, therefore, to be expected that speeches on this motion would be restricted. I would particularly request the members of the Coalition Party, who are generally supporters of the Government point of view, to realise that if they insist on speaking on every motion, then it is bound to prolong the discussion and the efforts on the part of the President to expedite the disposal of the huge mass of amendments tabled in connection with this Bill will not succeed.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I would like to support the amendment which has been moved by my friend Mr. Naresh Nath Mookerjee. There is one question which was pressed on the consideration of the House by Mr. Scott-Kerr on behalf of the European Group and it was therein stated that so far as the European community were concerned, they were not over-represented in the Corporation. To this, Sir, I should like to make a rejoinder. So far as representation of the Chambers of Commerce is concerned, I think they are over-represented—not, of course, looked at from the point of view of the rates that they pay. So far as the rates paid by them are concerned, they are entitled to representation no doubt but they should take their chance through the general electorate. In the general electorate there are three Wards from which they have got a very good chance of entering the Corporation.

Sir, when you come to the definition of a Chamber, the definition should be such that it may cover all the Chambers which work for the good of the city as well as for the province. Now, Sir, so far as this question of the question of the Chambers and their right to be represented in the local bodies is concerned, I may say that in respect of the

Assembly that point was decided by the Government of India Act, 1935. It will appear that from the Government of India Act that the right of representation on the Assembly was conceded not only to the Bengal Chamber of Commerce, the Trades Association and the Port Commissioners, but also to the Bengal National Chamber of Commerce, the Muslim Chamber of Commerce and other Chambers, and why? Why are those Chambers recognised for the purpose of representation on the Assembly? If their claims for representation on the Assembly were thought good enough then, should their claim to be represented in the civic affairs of this great city in which they have their living be ignored by the present Ministry? In the Statement of Objects and Reasons, we find that the Government of India Act was mentioned for the purpose of importing into the Bill the question of separate electorate giving the go-bye to the general electorate. Sir, they thought that that was a very good argument. They thought that so far as replacing joint electorate by separate electorate was concerned, their reason lay in the Government of India Act, 1935. But why should not the Government of India Act be taken as a good text for the purpose of giving representation to the Bengal National Chamber of Commerce, the Muslim Chamber of Commerce and also the Indian Chamber of Commerce? All these Chambers have a high status in this city. Sir, Calcutta does not consist of the Chowringhee alone or of Park Street or other streets in that quarter. Calcutta consists of Burrabazar, the northern quarters and southern quarters and also the growing-up areas on the Ballygunge side, to mention only some parts. If you will look around, you will find that the work of these Chambers is very patent. They have raised Calcutta to the position of a first grade city, and the Indian quarters of Calcutta are now vying with the Chowringhee where the Europeans live. If this point is considered along with the fact that the Government of India Act, 1935, also gives these Chambers representation in the Legislature, I should urge it emphatically for the consideration of the present Ministry and also of the party opposite that the claims of the Bengal National Chamber of Commerce, of the Muslim Chamber of Commerce, and of the Marwari Chamber of Commerce should be considered. Sir, there is one thing of which we are apprehensive and that was given vent to by my friend Mr. Naresh Nath Mookerjee, namely, that spell has been cast over our friends opposite. Even if they would feel in their heart of hearts that as a matter of fact the claims of these Indian commercial bodies cannot be ignored, they cannot speak out and they are not likely even to vote with us. That is the great difficulty, Sir, in the whole matter. In any view, there is no denying the fact that it is a very just claim, if it is argued that the representation of the European Chambers of Commerce should be reduced to give seats to the Indian Chambers of Commerce. In this connection, I should say that we made an effort to increase the number of seats from 85 to 93——

Mr. PRESIDENT: Order, order. The House has already decided that. Similar principles were discussed in connection the previous amendments. You are now only to show why you prefer the Indian Chamber of Commerce to the Marwari Chamber of Commerce.

Mr. LALIT CHANDRA DAS: In the Indian Chamber of Commerce, Sir, the Marwari Chamber of Commerce will be included, and therefore I would prefer the Indian Chamber of Commerce. But if I was arguing that point it is for this that we made an effort to raise the number of seats from 85 to 93. If that effort succeeded, then the question of bringing down the number of European seats, so far as the Bengal Chamber of Commerce from six to five, so far as the Trades Association is concerned from four to three, so far as the Port Trust is concerned from two to one, would not have arisen. Sir, when we look to the question of representation of the Chambers, the number of seats that has been given to the Bengal Chamber of Commerce, the Port Trust and the Trades Association, I find that there is such an over-representation that I can say that they can very well afford to give one seat each to the Bengal National Chamber of Commerce, the Muslim Chamber of Commerce and the Indian Chamber of Commerce.

With these words, Sir, I support the motion of Mr. Naresh Nath Mookerjee.

Mr. KADER BAKSH: Mr. President, Sir, before I begin to speak on this amendment, I wish most humbly to inform the Chair that I did not shout when I rose to speak. I submit, Sir, that to say "Mr. President" is not shouting.

Mr. PRESIDENT: Order, order. If there is any misapprehension in the mind of the honourable member, I should like to make the position clear. When any member wants to address the House, he is simply to rise in his seat: that is all that is enjoined by the rules. He is not to address the Chair at that stage. If he succeeds in catching the President's eye, he will be called upon to speak.

Mr. KADER BAKSH: Thank you, Sir. I had no desire to speak even a single word on the amendment, but I am compelled to speak a few words on account of the remarks made by my friend, the mover of the amendment.

Mr. PRESIDENT: Order, order. One word more. I am afraid my words have not been properly appreciated by the members of the Coalition Party. If any member from the Ministerialist Party wants to make a speech, the President will be bound to permit him

to do so; the members of the Opposition will then rise to reply to those speeches and this process will merely prolong the discussion on the Bill. I made this suggestion to the members of the Coalition Party only in the interest of expediting the final disposal of the amendments. If, however, they insist on speaking, they have every right to do so. Every member of the Ministerialist Party has a right to make speeches and members of the Opposition will also have the same right.

Mr. KADER BAKSH: We do fully appreciate, Sir, the suggestion and the advice given by the Chair. Sir, the remarks which have been made by my friends opposite that we have been rather ordered down by the Cabinet or the Minister in charge of this Bill not to make speeches and have been made to go against our conscience, compel me to speak a few words. I can declare on the floor of the House that no Minister has got any authority to thwart our decision or to make us go against our conscience. We, Sir, sat over these amendments day after day, discussed them dispassionately; we looked into the merits of all the amendments and came to the conclusion that these amendments have been sent in only for the purpose of delaying matters, as it has been evident from the fact that the members of the Opposition have taken unusually long time even in spite of the declaration of the Chair in their speeches over their amendment. Sir, we have not so far spoken on most of the amendments. We desire that the Bill should be disposed of quickly. Sir, we are very, very eager to go back to our own places of business. We do not like to stay on in Calcutta. Those who permanently live in Calcutta may not mind if the discussion on this Bill is dragged on, but we have got our own businesses to attend to. So, we decided at our party meeting that the discussion on the Bill should be concluded as early as possible but we are prevented, Sir, from doing so on account of the dilatory tactics of the Opposition. They want, they are very anxious to get, some more seats in some particular way. I am convinced by the arguments that have been advanced that their objective is to get 80 seats for their community—for the Congress. But, Sir, we are determined not to give the Congress a majority in the Corporation. We have thought over the matter, and we will never allow the Congress to have a majority, because the activities of the Corporation under the aegis of the Congress Party have become corrupt. This is not a talk from this party alone, but it is a talk to be found everywhere in every paper, from inside the Corporation and outside the Corporation, even by some of the influential members of the Congress Party itself. In spite of the disclaimer given my friend Mr. Naresh Nath Mookerjee in the course of his speech, contracts are being sold, and are given to favourite persons. Nobody can deny this. It is a fact, it is a truism. Now, Sir, we alone do not say this, but they themselves also say so. Many Congress people, many people in the Corporation say that the Corporation has degenerated and that it requires some sort of overhauling.

Mr. PRESIDENT: Will the honourable member come to the amendment now?

Mr. KADER BAKSH: And, Sir, for the overhauling of this institution, this Bill has been introduced.

With these remarks, I oppose the amendment.

Mr. NARESH NATH MOOKERJEE: Sir, he has given no reason as to why he opposes this particular amendment of mine which is now before the House.

Mr. HUMAYUN KABIR: Sir, I had no desire to intervene in the debate on this particular amendment, because an amendment of a similar nature which was moved by me has been debated upon in the House. But a few remarks of Mr. Scott-Kerr brings me to my feet, and I think it is imperative that one or two claims which he has made should be discussed. Mr. Scott-Kerr in a very able speech based the claim of the European Group to representation in the Corporation on three grounds. One was that the Europeans pay 18 per cent. of the rates; the second ground he advanced was that they constitute 10 per cent. of the voters, and the third ground which he advanced was that they have always given a very good account of themselves with regard to the work in the Corporation and elsewhere, a fact to which the Government as well as the Congress Group have paid due recognition. Sir, I am unfortunately in the position that I cannot accept any of those three statements in an unqualified manner.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. You gave a ruling that the question for decision is only whether the Marwari Chamber of Commerce should be replaced by the Indian Chamber of Commerce. All the other points having already been disposed of and the House having come to a decision on them, is the honourable member in order to discuss those points again now? That was your own ruling, Sir.

Mr. HUMAYUN KABIR: May I submit, Sir, why I am bringing these points up? It is because it was claimed by the European Group that no case has been made out as to why their representation should be decreased in order to give representation to the Indian Chamber of Commerce. In order to establish the case for the amendment that has just now been moved, we must prove that that claim of the European Group is not justified and that it is proper and necessary that Indian interests in the commercial sphere of Calcutta should also be represented. That is, Sir, why I brought in these three questions.

With regard to his claim that they constitute 10 per cent. of the voters in Calcutta to-day and that as such they should be entitled to 10 per cent. of seats in the Calcutta Corporation, I would only say this. The franchise, as has already been admitted by the Government itself, is abnormally high,—is absurdly high, if I might say so,—for a city like Calcutta, and as I said, Government itself is committed to lowering the franchise considerably. If the Government will not accept the principle of adult franchise altogether, it will at any rate come to a stage which will be very near the adult francise. From publications in certain newspapers,—I do not know if they are authorized or not,—if they are to be believed, I think that the Government have in contemplation that any body who pays a house-rent of Re. 1 per month will be an elector in the Calcutta Corporation. If that is really the decision of the Government, I shall congratulate the Government on that decision. Because, that will bring it very near adult franchise, and if that be so, the contention that the Europeans constitute 10 per cent. of the voters of Calcutta will no longer remain true. They are 10 per cent. of the voters of Calcutta, because the franchise has been abnormally high in the past. Since we are amending that, it is only fit and proper that we should take this opportunity of also reducing their seats in proportion.

Then, Sir, with regard to the question of consolidated rates and the percentage of the rates which are paid by the European members of the City of Calcutta, it is true, Sir, that 18 per cent. of the rates of Calcutta may pass under European names, but I contest the claim that they are actually paid by the Europeans. Just as the Hon'ble Minister——

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, may I point out to the House——

Mr. PRESIDENT: You are not to point out anything to the House. You may raise a point of order. What is the point?

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, he is talking irrelevantly.

Mr. HUMAYUN KABIR: Is that a point of order, Sir?

With regard to my second point, that because the Europeans pay 18 per cent. of the rates of the Calcutta Corporation, therefore they should be entitled to at least 10 per cent. of the representation, first of all, Sir, as I have made it clear before this House, I do not recognize that the amount of rates should have anything to do with voting in the Calcutta Corporation. If it should be governed by adult franchise, anybody who is a citizen of Calcutta should have the right to

vote. Not merely that, but I will depend upon what Sir Nazimuddin himself said on a previous occasion, in order to refute this argument from the European Group. The Hon'ble Home Minister pointed out in an earlier stage of the debate that the number of Muslim voters is less, and the amount of consolidated rates paid by the Muslims is low, because they are not house-owners in most of the cases. They pay rates to others and the money which the Muslims themselves pay is paid——

Mr. PRESIDENT: Order, order. Will the honourable member come to the amendment now?

Mr. HUMAYUN KABIR: Sir, unless I can establish that the European Group are not entitled to that representation, how can I claim that their seats should be reduced and given to these three bodies.

Mr. PRESIDENT: You raised that point in your own amendment and discussed it. I know a clever speaker can make his arguments seemingly relevant in a way on many matters, but I expect that you will now come to the particular amendment. You have had your chance when you moved your own amendment. I allowed latitude to every speaker to deal with the general principle underlying these amendments. As a matter of fact, I should have taken all these amendments together. In future, I shall do that.

Mr. HUMAYUN KABIR: Sir, these points were not raised by the European Group at that stage and, therefore, there was no occasion for me to bring in these points, and since I did not have a right of reply they could not be discussed. However, I shall be very brief, and I shall dispose of all these three points in three sentences, and then I shall devote myself to this particular amendment.

Sir, as I have said, I depend upon the arguments advanced by Sir Nazimudin himself to show that the amount of rates shown on paper to have been paid by the European Group is not a true representation of the real state of affairs, because most of this money comes from Indian sources and the 18 per cent. of taxes paid by the European community is not really paid by the European community as such, but represents the money which is paid from Indian, Anglo-Indian and other sources.

And with regard to Mr. Scott-Kerr's third point, I wish only to say that the European Group had the opportunity, as a group which is not directly concerned with the differences which go on from time

to time between the different communities in this House and elsewhere, of taking an impartial and neutral point of view; but unfortunately they have always identified themselves with the Government and their policy has been to support the policy of Government whatever it may be and to keep the Government in power. But that cannot and should not be the policy of any political party, namely, to keep a Government in power. And because they have not exercised their right in a proper manner, we do not consider that they have any reason to be specially proud of the manner in which they have discharged their responsibilities here and elsewhere. With regard to the Corporation also, the same remarks apply; because, there also, generally, they have backed the interests of the official group or whatever has been the official intention.

Now, Sir, with regard to the superiority of this amendment over mine it is this, that the Indian Chamber of Commerce already includes the Marwari Chamber of Commerce and my amendment also should have been for the Indian Chamber, but since this corection has now been made by the amendment of Mr. Naresh Nath Mookerjee, I think that it really improves the state of affairs and this will therefore give representation to the Bengal National Chamber of Commerce, the Muslim Chamber of Commerce and the Marwari Chamber of Commerce.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*3*), the word "and" occurring in line 3, be omitted and after the words "Port of Calcutta" in the same line, the following be inserted, namely:—

> "and members of the Bengal National Chamber of Commerce, of the Muslim Chamber of Commerce, and of the Indian Chamber of Commerce."

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move:—

That in sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*4*), for al the words beginning with "A person" in line 1, and ending with "member of a trade union," in line 3, the following be substituted, namely:—

> "A person shall be qualified as an elector of a labour constituency specified in Schedule III if he is a worker in any of the registered factories situated within the limits of the Calcutta Corporation, provided he worked for a period of at least six months in the aggregate during the year last preceding the year in which election is held."

Sir, in order to understand in what way my amendment differs from the section that lays it down, I should read sub-clause (4) of section 5 which is as follows:—

"A person shall be qualified as an elector of a Labour constituency specified in Schedule III if he is a member of a trade union registered under the Indian Trade Unions Act, 1926, which has its registered office within the limits of Calcutta and which is recognised in accordance with the provisions of paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936:

Provided that such person—

(i) has resided within the limits of Calcutta for a period of at least six months in the aggregate during the year last preceding the year in which the election is held;

(ii) has been actually engaged or employed within the limits of Calcutta in an industry with which the trade union is connected; and

(iii) is not in arrear with his subscriptions to the trade unions."

That is, Sir, sub-clause (4) of clause 5 of the Bill which we are discussing.

If there was any redeeming feature in the Calcutta Municipal (Amendment) Bill it consisted in the conferment of two seats on Labour by the present Ministry, and it would have been a matter of congratulation to them. But what they have given with one hand has been sought to be taken away by the other. For, it is now stated in sub-clause (4) of clause 5 that the factories in which the labourers work should have to be recognised in accordance with the provisions of paragraph 18 of Part IV of the Government of India Order, 1936, and it further states that the candidate for election should not be in arrear with his subscriptions to the trade unions. These are features, Sir, which go to show how Government intend to control Labour, how Government intends to officialise these Labour seats. In my amendment, Sir, it has been suggested that it would be enough if the labourer is a worker in any of the registered factories provided that those factories are situated within the limits of the Calcutta Corporation. And it further provides that the workers should have worked at least for a period of six months in the aggregate during the year last preceding the year in which the election is held. I should ask in all seriousness why Government should want that these factories should be recognised in accordance with the provisions of paragraph 18 of Part IV of the Government of India Order, 1936. That is an attempt on the part of Government to control labour. As an illustration, may I point out that in the Bengal Tenancy (Amendment) Act,

the right of transfer was given to the tenants but the right of recognition by the landlords was taken away. The Government put forward the reason that the landlords would be put to the obligation of recognising the transfer of the tenancy, but that the landlords should not be given any *nazarana* for this. Now, would it not be an arbitrary action on the part of Government to force these factories to be recognised by Government? Why should they? Are they to ask for certificates of loyalty from the Government or even to pay *nazarana*? If that principle of compulsory recognition was good in framing the Bengal Tenancy (Amendment) Bill, why should not this principle be extended also in the case of the factories? There is a lurking idea in the mind of Government that these factories which have not come under the recognition of Government are factories which go against the Government and the workers therein are rebels and communists. And in order to control them, here is a provision in which they state that the factories should be recognised in accordance with paragraph 18 of Part IV of the Government of India Order, 1936. That is a very harsh provision, Sir, and should be done away with.

Then again, another provision has been made that such a worker should not be in arrear with his subscription to the trade union. Now, that is the concern of the trade union to which he belongs. Why should Government insist that they should not be in arrears? Is it not sufficient that he is a member of the trade union? These labourers may be very poor and their poverty might be a reason why their contribution may remain in arrears. Why should arrears stand in the way of their eligibility to become voters—I mean, to stand as candidates for the Labour seats? Here is an attempt made, I should say, to control the Labour seats. I should think that what has been given to Labour should be given with a full heart and no attempt should be made to restrain or curb the sphere of their activities in any way. So far as registration is concerned, I agree that the factories in which they work should be registered. In my amendment, therefore, provision has been made to that effect, and in it, it has been stated "if he is a worker in any of the registered factories"; and not only that, I have also said in my amendment that the factories should be situated within the limits of the Calcutta Corporation. Now, so far as this portion of my amendment is concerned, it is on all fours with the provision made in sub-clause (*4*) of section 5. The only point in which my amendment differs from sub-clause (*4*) is, as I have pointed out, the portion where it has been made essential that the factories should be recognised in accorance with the provision of paragraph 18, etc. From the Bill clause, it would seem that Government intends to control Labour and make it a department of Government, so to say. Another point in which my amendment differs is that I have made it a point that all labourers should be enfranchised so long

as they are members of a union, no matter whether they are in arrears or have paid their subscriptions. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved:—

That in sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*4*), for all the words beginning with "A person" in line 1, and ending with "member of a trade union," in line 3, the following be substituted, namely:—

"A person shall be qualified as an elector of Labour constituency specified in Schedule III if he is a worker in any of the registered factories situated within the limits of the Calcutta Corporation, provided he worked for a period of at least six months in the aggregate during the year last preceding the year in which election is held."

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, with due respect to Mr. Lalit Chandra Das and the speech that he has delivered, I may mention that he is labouring under a great misunderstanding if not under a delusion. The fact is that this piece of legislation or rather the enfranchisement conferred on Labour is the best conceivable for the good of Labour and the reasons are these: This Bill has provided that these Labour seats should be given in accordance with the principle laid down by the Order in Council. That Order which was pormulgated for enfranchising Labour for the purpose of election to the Provincial Legislative Assemblies provided that in order to be impartial in the selection of trade unions to be enfranchised, the decision as to which are recognised trade unions should be left to the discretion of the Governor. I do not think that any member on the other side has at all read what the Order in Council in paragraph 18 is, and I propose to read this here. The Order in Council in question divides trade unions into two classes—recognised and constituent. To be recognised, a trade union must be certified by the Governor in exercise of his individual judgment. I would say that the drafting of the clause now before the House is unsatisfactory, but the motive is quite clear, namely, that the Governor shall exercise his individual judgment. Firstly, it provides that it should be a *bonâ fide* trade union existing wholly or mainly for industrial or provident purposes; and secondly, that they have been in existence for at least two years. This provision ensures that no bogus union will be recognised; it must be a trade union registered for at least two years. The second point which is still more important is the impartiality of selection. As you yourself, know, Sir, this is very necessary in connection with Labour seats. The second portion of this Order in Council provides that the Governor in the exercise of his

individual judgment will,—lest it might be surmised that the Governor in this case will be the Minister in charge who may bring in his own man—appoint a tribunal with a District Judge and an assessor to select trade unions. And many of us who contested Labour seats had to appear before such tribunals to secure recognition for our unions. Therefore, the question of officialising the trade unions is all wrong. The whole trouble is due to the fact that there is a suspicion in the minds of the members that this clause is embodied in the Bill in order to bring in Muslim candidates, etc.

I submit, Sir, that that view is wrong. Because, from my experience of trade unions in Calcutta, I can say that most of the registered trade unions are of a standing of two years and are managed by Hindu Labour leaders.

Khan Bahadur NAZIRUDDIN AHMAD: So, there is no danger of Muhammadans coming in.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: No. Secondly, I must point out for the information of the House that the Ministry has improved on the Order in Council in order to give real franchise to *bonâ fide* labour—not the kind of franchise given to Labour in the case of election to the Provincial Legislative Assemblies under which a man who has never organised Labour Unions came forward and contested Labour seats. But this clause here puts a ban on outsiders, exploiters and self-seekers. The present Ministry has given a franchise only to those people who really want to do good to Labour and are labourers themselves. It has put a ban on the candidature of exploiters and outsiders.

The next point I want to develop is that, rightly or wrongly, the framers of the Bill—I do not suppose that they had any idea of backing communalism in their minds—but practically they are bringing in two more Hindu councillors to the Corporation provided trade unionists who are actual workers enrol themselves as voters. You cannot suppose that Muslim gentlemen who want to get the benefit of this Act can go and register their own unions in a few weeks and that 50 per cent. of unions in this province are bogus. Besides, the Order in Council has provided that the trade unions must have been in existence for a couple of years. We have got to deal with unions which were registered two years before the time for exercising the franchise comes, and that covers most of the unions which are promoted mostly by Hindu leaders. I can give you some of the names of those unions; take for example, Press Employees Union, Tramways Union, Electric Supply Workers Union, and others The Indian Seamen's Union composed of Moslems have no chance to come in, because they are not engaged in any industry, unless by a

stretch of imagination shipping can be called an industry. Therefore the Government has provided for a tribunal and the tribunal will decide whether the unions conform to the conditions laid down under the Act. We must congratulate the framers of this particular clause, because they want to give representation to *bonâ fide* Labour.

Then again, Sir, they have stipulated by this clause that unless a man is a workman he will not have a vote and he cannot stand as a candidate unless he is a voter himself. We are really anxious to see to the welfare of labour and to see that the exploiters and people who join these labour unions for the sake or making name and fame and use Labour as the ladder to rise in name and fame, do not come in. During the last few years, I found that in many of the factories the workmen have been intelligent enough, have been conscious enough to see to their rights, and we should encourage that class of people to be voters and candidates. Therefore, Sir, I am in duty bound, not because of the dictation of the Ministry, but for the sake of my clear conscience, to say that this is the best piece of Labour franchise conferred upon unionised labourers of the city of Calcutta.

Mr. SHRISH CHANDRA CHAKRAVERTI: Mr. President, Sir, I find my friend Mr. Krishna Chandra Roy Chowdhury is in ecstacy over the framers of the Municipal Bill, and especially in defining the qualifications of the Labour member. But in supporting the amendment moved by my friend Mr. Lalit Chandra Das, I wish to point out to Mr. Krishna Chandra Roy Chowdhury who has just now said that the framers of the Bill have no intention to control or in any way influence the election to the Labour seats, and who has also said by the way that the two seats are intended for Hindus. Sir, we do not think about Labour in terms of Hindu or Muslim labour. Labour is labour always. They both have been ground down by the capitalists and they have got to save themselves from the clutches of both Hindu and Muhammadan capitalists. As regards the safeguard, so far as my experience goes and I think my friend Mr. Roy Chowdhury will agree with me that we have got one associaton, Registration Employees' Association, from which this Government has withheld recognition although they fulfilled all the conditions. It has been registered duly under the Trade Union Act, and it has been in existence for more than two years, and Mr. Krishna Chandra Roy Chowdhury himself knows very well how all the activities of this Association have been thwarted regularly and also how eventually the recognition has been withheld. So, I think that he is not entirely right in supporting Government. I would therefore, say that the labour associations, even if they are *bonâ fide*, unless they serve the purpose of the Government, will not receive recognition. However much Mr. Krishna Chandra Chowdhury might protest, I think that he has been briefed to support the Government——

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I take strong objection to the word "briefed." It is only the solicitors who accept briefs.

Mr. SHRISH CHANDRA CHAKRAVERTI: I wish the House to take note of the provision which the Government has made here under the terms "unless recognised by Government. It will apply not only in the case of Hindu labour but also of Muslim labbur. So, if there had been any difference, if there will be any difference between particular associations and the Government, naturally, these associations will lose recognition by Government without any rhyme or reason. Mr. Roy Chowdhury also says that the Governor in the exercise of his individual judgment does these things. It is not expected that the Governor will personally examine each and every case. Naturally, he will receive the report from the Ministry and he will be guided by their advice. So, I find that Mr. Roy Chowdhury, instead of improving the case of the Government, has exposed them and he has unravelled what was not properly expressed in the Bill itself.

With these words, Sir, I support the amendment of Mr. Lalit Chandra Das.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I think I ought to explain what appears to be a misunderstanding on the part of certain members regarding the term "recognition." This term "recognition by Government" has nothing to do whatsoever with Government in its executive side. The Governor in his individual discretion appoints a tribunal. The last tribunal which was appointed was presided over by the District Judge of the 24-Parganas and there were two other gentlemen who were members of the tribunal, namely, the Standing Counsel and an eminent Professor of the Presidency College. Government as such have nothing whatsoever to do with it. The tribunal went into the merits of each of the unions that applied for recognition and after framing certain criteria which it tried to apply to the unions, it gave them recognition. And, as a matter of fact, it gave recognition to several unions to which Government in its executive side would never have given recognition because they are not *bonâ fide* unions at all. It is necessary under the rules that they should be *bonâ fide* unions, but the criteria which were applied by the tribunal in order to ascertain whether they were *bonâ fide* unions or not, were merely certain mechanical criteria which as soon as the unions conformed to, made them eligible for recognition. Therefore, the question of interference by the Ministry does not arise. Government, or rather the Governor, proposes to set up such a tribunal again, and probably it will be more judicial in character, for the purpose of testing whether these unions should be recognized or not. If it were a question of the advice of the Ministry as to whether a union should be recognized or not, something

might be said regarding the danger of interference by the Ministry in pursuance of its Labour policy, but it does not arise in the present case.

Mr. PRESIDENT: The question before the House is:—

That in sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*4*), for all the words beginning with "A person" in line 1, and ending with "member of a trade union," in line 3, the following be substituted, namely:—

"A person shall be qualified as an elector of a labour constituency specified in Schedule III if he is a worker in any of the registered factories situated within the limits of the Calcutta Corporation, provided he worked for a period of at least six months in the aggregate during the year last preceding the year in which election is held."

(The motion was negatived.)

Mr. HUMAYUN KABIR: Sir, I beg to move that in sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*4*), for the word "a" in line 2, the words "an office bearer, or a member of the Executive Committee or a paid" be substituted.

Sir, my intention in moving this amendment is that at the stage at which trade union organizations have arrived at present in this country, it would not perhaps be safe in the interests of the workers themselves that the representation should be confined only to active workers. I agree a great deal with what the Hon'ble Mr. Saheed Suhrawardy has said just now in opposing the amendment which was moved a few minutes ago that there must be some sort of machinery for distinguishing *bonâ fide* trade unions from those which are not *bonâ fide*, and the machinery which has been provided under the Government of India Act, 1935, even though it is unsatisfactory, is perhaps better than nothing.

But with regard to some other parts of the clause as drafted, I find I cannot agree. At present, it is provided in the Bill which has been brought before us that one will not be eligible to be returned from a Labour constituency in the Calcutta Corporation unless he is himself a worker. I quite agree, Sir, that on principle it is best that workers should be represented by workers, but unfortunately, at the same time we must recognize that as yet trade union consciousness has not developed to that extent in our country and Labour is not so conscious that we can always leave it entirely to them. Very often outside help has to be taken in organizing a labour union. Mr. Suhrawardy was was pleased to say that in many cases these unions are not *bonâ fide*

unions and outsiders come and organize them for other ends, and Mr. Krishna Chandra Roy Chowdhury too said so,—perhaps in more picturesque but in much less parliamentary language. With regard to his remarks, I should say that wherever Labour has been organised, it has been organised at first with the help of those who have come from outside. If you look to the trade union history in other countries of the world, you will find that labourers were originally organised with the help, very often of the intellectuals and sometimes even from the side of the business-men themselves, because in order to make certain claims, a certain standard must be reached. In very many cases and particularly in a country like ours, the condition of Labour is such that they do not even know how to make their claims. A really starving man cannot put up a claim, but it is only a half-starved man who makes any attempt to assert his right. He wants to test his right and have it recognised that he has a claim for being treated as a human being and then he will come forward and stand up for his claims in society. Therefore, it seems to me that it would be against the interest of the workers themselves if all persons who sought election from a Labour constituency were to be actual workers, and others were to be accordingly shut out. Therefore, I have moved that "office-bearers and members of the Executive Committee or a paid member," should also be eligible. This does not shut out the possibility of genuine workers being elected to the Corporation by the Labour constituencies. He may, but at the same time it should also be possible that persons who have helped to organise Labour and who can really speak on behalf of Labour may be elected. I recognise that there may be danger in this in this, but that danger has been limited by the fact that only persons who are office-bearers or members of the Executive Committee of such genuine trade unions will be entitled to be returned in this manner. We can easily take it that a man who is an office-bearer of a trade union or a member of an Executive Committee of a trade union is a person in whom the labourers have confidence. Here, I may mention the name of Mr. Sibnath Banerjee of the Lower House. The fact that he enjoys the confidence of his constituency cannot be questioned and the persons who stood against him in the last election know to their own cost whether he enjoys their confidence or the person or persons who stood against him do so. Therefore, this sort of question does not arise. These people have taught Labour and to a large extent they have done pioneers work; and it may be necessary that for some time to come their presence will be necessary to represent Labour interests in the Corporation, although at the same time, I want to limit the possibility of any outsider coming in. I do not want that persons who have practically done nothing for Labour should be entitled to represent the Labour constituency or to seek election thereto. Persons having plenty of money with which they can influence votes should be severely restricted. I want to shut out this possibility, and I have therefore

provided that only people who are actually workers, people who are part and parcel of the Labour movement and have built up the trade union organisation, including those who are office-bearers of the trade unions or members of the executive committee will alone be entitled to represent Labour. With these words, I move my amendment and hope that the Hon'ble the Labour Minister will see his way to accept this motion in spite of the categorical declaration he made yesterday of his intention to oppose all amendments which might come before the House.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*b*) of clause 5 of the Bill, in proposed sub-section (*4*), for the word "a" in line 2, the words "an office bearer, or a member of the Executive Committee or a paid" be substituted.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, with due respect to the opinion expressed by my learned friend, Professor Humayun Kabir, I may point out that the want of a clause like this has produced disastrous effect on Labour seats in the case of Elections to the Legislative Assembly. The Delimitation Committee made certain changes in the Government of India Act, 1935, which made it possible for candidates who contested Labour seats for election to the Provincial Legislature to have little or no connection with the Labour movement. So that, many who never had any connection with trade unionism easily got elected to the Assembly by virtue of his political views and revolutionism, if I may use that term, but who had no intention to serve Labour or improve its conditions, and what happened? I may inform Mr. Kabir that outsiders came in at the cost of the poor labourers who are devoid of trade union consciousness by tempting them with the baits of colossal economic benefits and advantages of Moscow rule. They got in by holding out false hopes. Therefore, it is perfectly right on the part of the framer of this Bill to exclude those classes of candidates and to provide that it is only the working-class people who could be candidates for Election from the Labour constituencies. You may say that the working-classes are ignorant and are living in blissful ignorance of their rights. But, Sir, during the last ten years, if we take the instances of the Railway Labour unions and some of the unions of Bombay, Ahmedabad, and Bengal, we find that some of the workers are fit to be Labour leaders. Why the workers should be kept under the tutelage of these outside leaders for all time? It is not the object of these outsiders, at least of some of them who have no credentials for trade union representation, to do any good to the Labour movement. Is it not their business to train them up to trade union consciousness which they could have done in the last ten years? This Labour clause is an improvement, as it limits representation only to

those who are trade unionists and actual workers. I know, Sir, that my hon'ble friend Mr. Kabir has been organising the shop assistants of this city which is a very good thing and has earned him the gratitude of those assistants. But it does not follow that when it comes to a question of representation of the shop assistants, he alone shall be the sole representative of the shop-keepers! Therefore, Sir, I oppose this motion.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I must oppose the amendment, not on the ground which I stated yesterday, namely, that we will oppose all amendments,—for that statement was meant to apply only to those amendments which dealt with changes in the number of the councillors of the Corporation,—because we wish to give the labourers a chance. It is not a fact that the labourers do not understand their rights. I have come across many, in course of my dealings with the labourers, who are extremely intelligent, capable, educated and are able to understand and look after their own interests. I think that we should push them forward so that they may in course of time be able to lead the Labour movement and not surrender their interests in the hands of politicians. Mr. Sibnath Banerjee, to whom my friend Mr. Kabir has referred, no doubt had a very large following and commanded the confidence of the labourers, for otherwise he would not have been returned to the Legislature. But what his present position is I will not attempt to discuss. But the danger with these representatives of Labour who are not labourers themselves is that they do not solely look after the interests of the labourers, or represent the cause of Labour, but they are also politicians and there is an irresistible desire on their part to mix up politics with Labour, which should be deprecated.

Mr. PRESIDENT: The question before the House is that in sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*4*), for the word "a" in line 2, the words "an office bearer, or a member of the Executive Committee or a paid" be substituted.

(The motion was negatived.)

Mr. NARESH NATH MOOKERJEE: Sir, I beg to move that:—

In sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*4*), all the words beginning with "and which is recognised" in line 6, and ending with "Order, 1936," in line 9 be omitted.

Sir, the reason why we have sponsored this amendment is this. We feel that any Labour organisation which is registered should be automatically recognised. The Government view is that until and unless such organisation becomes a trade union recognised by Government, they should have no power to vote or to send representatives to the

Calcutta Corporation. I feel that it will really bring an atmosphere of victimization, and I am afraid that very old and important trade unions which are already enjoying the confidence of the labourers are likely to be excluded, because from past experience and from what is likely to happen in the future, we are very nervous as to what the policy of Government will be with regard to recognising the existing trade unions which have been working satisfactorily for a very long time. In fact, I feel that it would be wrong on the part of Government to insist on trade unions being first recognised by Government before they might be entitled to send representatives. I hope that Mr. Krishna Chandra Roy Chowdhury will give his views on the subject, and I also appeal to the good sense of this House to support our amendment.

Mr. PRESIDENT: Amendment moved:—

That in sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*4*), all the words beginning with "and which is recognised" in line 6, and ending with "Order, 1936," in line 9 be omitted.

The Hon'ble Mr. H. S. SUHRAWARDY: It is not necessary to say anything. I merely repeat the remarks I made on the last occasion. I am glad to find support in the speech of Mr. Humayun Kabir who thinks that there should be some criteria as to how trade unions can be recognised.

Mr. PRESIDENT: The question before the House is:—

In sub-clause (*b*) of clause 5 of the Bill, in the proposed sub-section (*4*), all the words beginning with "and which is recognised" in line 6, and ending with "Order, 1936," in line 9 be omitted.

(The amendment was negatived.)

Mr. PRESIDENT: Question before House is that clause 5 stand part of the Bill.

(The question was agreed to.)

Clause 6.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that for clause 6 of the Bill, the following be substituted, namely:—

"6. In section 23 of the said Act, the following words shall be inserted at the end, namely:—

'and in the case of a seat reserved for the Scheduled Castes, he is himself a member of those castes.' "

Sir, it will be necessary for me to read clause 6 in this connection in order to explain the meaning of the amendment that I suggest. It reads thus:—

"No person shall be eligible for election as a councillor to represent, as provided in Schedule III,—

(a) a General Constituency unless his name is duly registered on the electoral roll of that or any other General Constituency and unless in the case of a seat reserved for a member of any of the Scheduled Castes he himself is a member of any of those castes:

Provided that nothing in this clause shall prevent a member of any of the Scheduled Castes for which a seat is reserved from being eligible for election to a seat not so reserved;"

Now, Sir, in the case of seats reserved for the Scheduled Castes, the only advantage that I seek to give them is in section 23 by adding the words "himself a member of those castes" after the word "Muhammadan." Section 23 runs thus: "No person shall be eligible for election as councillor to represent General constituencies specified in Schedule III unless his name is duly registered on the electoral roll of that or any other General constituency specified in that schedule and unless in the case seat reserved for Muhammadans, he is himself a Muhammadan," and after that, Sir, should be added "and in the case of a seat reserved for the Scheduled Castes, he is himself a member of those castes."

I think, Sir, the amendment is innocuous and there is nothing in it for the Government to oppose. It seeks only to make things more clear. In section 23 of the Act it is stated that in the case of a seat reserved for Muhammadan "he is himself a Muhammadan" and the only addition that is to be made is that in case of a seat reserved for a Scheduled Caste "he is himself a member of those castes." That makes the section more clear and more understandable and there is nothing in it for the Government to oppose unless it is that Government is determined to oppose every motion that is moved from this side of the House. With these words I move my amendment.

Mr. PRESIDENT: Amendment moved that for clause 6 of the Bill, the following be substituted, namely:—

"6. In section 23 of the said Act, the following words shall be inserted at the end, namely:—

'and in the case of a seat reserved for the Scheduled Castes, he is himself a member of those castes.' "

Mr. NARESH NATH MOOKERJEE: Sir, I rise to support the amendment moved by my friend Mr. Lalit Chandra Das. The reason why we wish to make it absolutely clear that no one should be eligible to be elected to the Scheduled Caste seats unless he is a member of the Scheduled Caste community himself, is because, Sir, the Scheduled Castes community is a minority community and, Sir, they are coming into the Corporation under the joint electorate. We want to give them as much protection as possible in being returned to the Corporation. Sir, if these words are not substituted, there is a likelihood of the Caste Hindus coming and contesting any General seat which is reserved for the Scheduled Caste community and I am afraid if that is done, some one or two seats may be lost to the community itself. Our object therefore, Sir, is to give every protection possible to the Scheduled Caste community which has only four seats in the Corporation. With these words, Sir, I commend this amendment to the acceptance of the House.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to oppose this amendment.

Mr. PRESIDENT: The question before the House is that for clause 6 of the Bill, the following be substituted, namely:—

"6. In section 23 of the said Act, the following words shall be inserted at the end, namely:—

'and in the case of a seat reserved for the Scheduled Castes, he is himself a member of those castes.'"

The House divided:—

AYES—16.

Banerjee, Rai Bahadur Keshab Chandra.
Chakravorti, Mr. Shrish Chandra.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Goswami, Mr. Kanai Lal.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Pal Chouchury, Mr. Ranajit.
Poddar, Mr. H. P.
Ray, Mr. Nagendra Narayan.
Roy, Mr. Amulyadhan.
Sanyal, Mr. Sachindra Narayan.
Sarker, Rai Sahib Indu Bhusan.
Sinha, Rai Bahadur, Surendra Narayan.

NOES—35.

Ahmad, Khan Bahadur Nazirud'in.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Barua, Dr. Arabinda.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Khan Bahadur Rezzaqul Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hossain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.

Kazim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhleeur.
Rashid, Khan Bahadur Kazi Abdur.
Roy Chowdhury, Mr. Krishna Chandra, C. B. E.
Ross, Mr. J. B.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.

(The amendment was negatived.)

Mr. RANAJIT PAL CHOUDHURY: May I submit, Sir, that there have been some observations from the other side that the Congress Party is adopting dilatory methods. May I submit that we may be allowed Monday next to consider the amendments so that we can come to some decision as to which amendment we shall move and which amendment we shall not.

Mr. NARESH NATH MOOKERJEE: Sir, Monday is also the *Rath Jatra* festival day. Most of our mufassil members want to go home just to see the festival. It is a very important festival in the mufassil, and I hope, Sir, we may come back on Tuesday. We can even sit for three hours, if necessary, if we can get Monday as a holiday.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, after the statement made by the honourable member that they will try to hasten the progress of the Bill, Government will have no objection to Monday being given a holiday.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, from the statement made by Mr. Mookerjee it seems that they really want to leave the town for the purpose of attending some festivities. Where is the opportunity to discuss which amendment they are going to move and which they are going to leave out? How are they going to hasten the progress of the Bill?

Mr. NARESH NATH MOOKERJEE: The more important members of the Congress Party will not leave the town. Only the mufassil members of our party will like to join the festival.

Khan Bahadur NAZIRUDDIN AHMAD: I believe they want to hasten the delay.

Mr. RANAJIT PAL CHOUDHURY: That is absolutely contrary to our intentions.

Mr. PRESIDENT: I should like to know if the Government has any objection to it.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Government has no objection.

Mr. PRESIDENT: The House stands adjourned till 8 a.m. on the 27th June.

Adjournment.

The Council then adjourned till 8 a.m. on Tuesday, the 27th June, 1939.

Members absent.

The following members were absent from the meeting held on the 23rd June, 1939:—

(1) Mr. Humayun Reza Chowdhury.

(2) Mr. Kamini Kumar Dutta.

(3) Alhadj Khan Bahadur Shaikh Muhammad Jan.

(4) Begum Hamida Momin.

(5) Rai Bahadur Satis Chandra Mukherji.

(6) Rai Sahib Jatindra Mohan Sen.

(7) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur.

B. G. Press—1939-40—4868A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 27th June, 1939, at 8 a.m., being the twenty-fifth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

The Islamia College.

114. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there was mismanagement in the working of the organisation of the Islamia College, Calcutta, and is he aware that it created a great discontent among the Muhammadan community?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick, on behalf of the Hon'ble Mr. A. K. Fazlul Huq): So far as the Hon'ble the Chief Minister is aware, there has been no mismanagement.

B. B. Academy of the Rajshahi town.

115. Khan Bahadur Maulvi MOHAMMAD IBRAHIM (on behalf of Khan Sahib Abdul Hamid Chowdhury): Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) whether there is a high English school entitled "B. B. Academy" in the heart of Rajshahi town;

(b) whether the name of the school has been changed into "B. B. Hindu Academy" from this year;

(c) whether the Mussalman students reading in that school have been ordered by the authorities to leave the school with transfer certificates;

(d) whether it is a fact that the school admits no Mussalman students any more;

(e) whether it is a fact that the Mussalman teacher serving in that school has been discharged;

(f) whether it is a fact that the Government fully approved of the action taken by the authorities of the B. B. Academy;

(g) if answers to the clauses (a) to (d) are in the affirmative, whether Government is aware of the inconveniences and difficulties of the Mussalman students of that school in getting admission into the other local high English school;

(h) whether the Rajshahi Collegiate School charges higher rate of fees than that of the B. B. Hindu Academy;

(i) whether it is a fact that some of the Mussalman students reading in the B. B. Academy last year and admitted into the Rajshahi Collegiate School this year have been paying higher rate of fees;

(j) whether it is a fact that many students have been forced to give up their studies due to their inability to pay higher rate of fees in the Rajshahi Collegiate School;

(k) whether the Government proposes to reduce the fee-rate of the Rajshahi Collegiate School to the level of the B. B. Hindu Academy; and

(l) whether the Government proposes to make any provision for the discharged Mussalman teachers of the B. B. Academy?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes.

(b) No; but the management have decided on a change of the name and they have approached the University for approval of the change.

(c) The school closed down its Persian Department from the beginning of the current session and as a result practically all Moslem students had to leave the school.

(d) It is not known, but there has not been any admission of Moslem students into the school this year.

(e) the school had no permanent Moslem teacher on the staff. The temporary classical teacher was discharged.

(f) Government has no control over the school which is an unaided school.

(g) It is obvious that the Moslem students were put into difficulty and inconvenience.

(*h*) and (*i*) Yes.

(*j*) The Hon'ble Chief Minister is not aware of any such cases.

(*k*) It is not possible for Government to enter into competition with private institutions in these matters.

(*l*) There was only one such teacher who held a temporary appointment in the school for a short period; his case does not call for any special consideration.

The President of the Salap Union Board.

116. Mr. RANAJIT PAL CHOUDHURY (on behalf of Rai Bahadur Brojendra Mohan Maitra): (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that Mr. Sanyal, who was President of the Salap Union Board, was removed from the offices of the President and member of the said Board by a resolution of the Pabna District Board passed on the 28th August, 1937, in contravention of the provisions of the Bengal Village Self-Government Act, 1919, by which the District Board may remove a President as well as a member of the Union Board only on the recommendations of two-thirds of the members of the Board at a meeting?

(*b*) Is it not a fact that the motions for his removal tabled by six members of the said Board were ruled out of order by the President, Mr. Sanyal, at a special requisition meeting of the Board held on the 18th July, 1937, and as such no resolution for his removal was passed by two-third members of the Board?

(*c*) Is it not a fact that Mr. Sanyal filed an appeal with the Commissioner of the Rajshahi Division on the 8th September, 1937, against the resolution for his removal passed by the Pabna District Board on the 28th August, 1937, and that the Local Government (in the Department of Local Self-Government) annulled under section 120 of the Local Self-Government Act, the said resolution of the Pabna District Board as *ultra vires* a year later, i.e., in August, 1938?

(*d*) If the answers to clauses (*a*) to (*c*) be in the affirmative, will the Hon'ble Minister be pleased to state if Mr. Sanyal has been reinstated to the offices of President and member of the said Board in pursuance of the said order of annulment of the District Board resolution by the Local Government?

(*e*) If not, why not?

MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) to (*c*) At a special meeting of the Salap Union Board

held on the 18th July, 1937, certain motions were put forward urging the removal of the President from his office as such and as member of the Board on allegations falling within the purview of section 16(*1*)(*iii*) and 12 (*1*)(*e*) of the Village Self-Government Act. The President of the Board, who presided over the meeting, ruled the motions out of order in exercise of the power conferred upon him by rule 18 of the Rules regulating the conduct of meetings of Union Boards and brought the meeting to a termination. Two-thirds of the members present at the meeting, however, thereafter put the motions to vote and carried them. The District Board, after consideration of the proceedings of the above-mentioned meeting at its ordinary meeting held on the 28th August, 1937, adopted a resolution removing the President from his office as President and member of the Union Board under sections 12(*1*)(*e*) and 16(*1*)(*iii*) of the Village Self-Government Act. This was held by Government to be not in conformity with law, and the proceedings of the meeting of the District Board held on the 28th August, 1937, were accordinly annulled by Government under section 120 of the Local Self-Government Act.

(*d*) and (*e*) As the President of the Salap Union Board had forfeited the confidence of two-thirds of the members of the Board, there was a deadlock in its administration. In the absence of a better alternative for ending the deadlock, the Commissioner recommended the removal of the President under section 56 (*1*) (*a*) of the Village Self-Government Act, and in the circumstances stated above Government gave their approval to this proposal under the above-mentioned section.

Debt Settlement Boards.

117. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department kindly state—

(*a*) the total number of cases settled by Debt Settlement Boards in Bengal of which instalments have fallen due?

(*b*) in how many of such cases the debtors have paid their instalments and in how many cases they have defaulted?

(*c*) in how many cases the creditors have applied for certificates for realisation of debts?

(*d*) whether it is a fact that in Kishoreganj subdivision of Mymensingh district, instalments have fallen due in about 200 cases and there has been default in more than 75 per cent. of cases; and

(*e*) how the Government proposes to deal with the situation?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) and (*b*) The hon'ble member is referred to reply (*d*) of question No. 78 given on the 6th March, 1939.

(*c*) 5,880 up to the end of April, 1939.

(*d*) No.

(*e*) The situation does not call for any special action.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: With your permission, Sir, in reference to (*d*), I would like to give the House the exact situation up to 31st of March, 1939. 3,979 awards have been given in the subdivision of Kishoregange by the various Debt Settlement Boards and out of these 112 certificate cases have been filed under section 28(*1*) of the Bengal Agricultural Debtors Act.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister please state how these 5,880 cases in which certificates have been filed are being dealt with? Are the lands being attached and sold?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as I have been able to gather from the Collectors except cases numbering about 26, no further action has been taken. Only certificates have been filed and no further action has been taken thereon.

Notice of Adjournment Motion.

Mr. PRESIDENT: Order, order. Notice of a motion for adjournment of the business of the House has been received from Mr. Nur Ahmed which runs as follows:—

That the Council do now adjourn to discuss a definite matter of urgent public importance, namely, failure of the Government of Bengal to secure through proper channel compensation for the Bengalees who suffered during the last riots in Burma.

Mr. NUR AHMED: Mr. President, Sir, the reason for my bringing this motion is——

Mr. PRESIDENT: I would like to hear from you one thing. That it is a matter of public importance is not doubted. But will you please show how the matter may be regarded as of recent origin?

Mr. NUR AHMED: Sir, I would refer in this connection to the answer given to my question on the 2nd of May last on the floor of this House by the Hon'ble Minister.——

Mr. PRESIDENT: When was that answer given?

Mr. NUR AHMED: On the 2nd of May last, Sir.

Mr. PRESIDENT: Order, order. It is not necessary to read out the whole of that answer. A member must approach this House for permission to move a motion for adjournment on the first available date. Since that has not been done in this case, it cannot be considered as recent. So, I rule this motion out of order. The House will now resume the discussion on the Calcutta Municipal (Amendment) Bill, 1939.

The Calcutta Municipal (Amendment) Bill, 1939.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, with your permission, I would like to have an information from my friends Opposite. Members of the Opposition suggested the other day that they would consider which of the amendments were to be moved to-day and which not. It would make it much easier for this side of the House if we knew what decision they have arrived at and what amendments they are willing to move to-day.

Mr. RANAJIT PAL CHOUDHURY: Some consultations were held on this subject and I believe when our party whip comes, he will be in a position to enlighten the House as to the number of amendments that will not be moved.

Mr. PRESIDENT: Meanwhile I think we can go on. I have considered all the amendments and found that most of them are out of order. I think it will not take much time to-day to dispose of the remaining amendments.

The question before the House is that clause 6 stand part of the Bill.

(The motion was agreed to.)

Clause 7.

Mr. PRESIDENT: The question before the House is that clause 7 stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Mr. PRESIDENT: The question before the House is that clause 8 stand part of the Bill.

(The motion was agreed to.)

Clause 9.

Mr. PRESIDENT: The question before the House is that clause 9 stand part of the Bill.

(The motion was agreed to.)

Clause 10.

Mr. PRESIDENT: The question before the House is that clause 10 stand part of the Bill.

(The motion was agreed to.)

Clause 11.

Mr. PRESIDENT: This clause deals with the schedule. Mr. Amulyadhan Roy, will you move amendment No. 293 which stands in your name?

Mr. AMULYA DHAN ROY: I want to know from you, Sir, what is the position with regard to my amendment in view of the fact that the House did not accept my previous motion regarding distribution of seats. Is it in order?

Mr. PRESIDENT: It is out of order.

Mr. NARESH NATH MOOKERJEE: Is my amendment No. 305 in order, Sir? The changes proposed in this amendment are based on our anticipation that there will be three more elected seats for the Scheduled Castes.

Mr. PRESIDENT: There is no need for further provision for it here, because now the seats are fixed. Your motion will, however, be in order if you say that one seat may be reduced from a particular constituency and be added to another. Unless you say in that way, it will be out of order.

Mr. NARESH NATH MOOKERJEE: We do not desire to make any further change, Sir.

Mr. PRESIDENT: Then, your amendment is out of order.

Mr. Das, are you moving your amendment No. 319?

Mr. LALIT CHANDRA DAS: Sir, I am afraid this amendment of mine also is out of order.

Mr. PRESIDENT: Yes; it is so. I may, however, mention that if there is any request from any member to the effect that he wants to move his amendment which aims at reducing one seat from a General constituency and wants to add it to another, the Chair will consider it.

Rai Bahadur MANMATHA NATH BOSE: Sir, I wish to move amendments Nos. 328-333.

Mr. PRESIDENT: If you wish to move them you have got to ask for the permission of the Chair to show wherefrom you propose to take that additional seat.

Rai Bahadur MANMATHA NATH BOSE: Along with this amendment, Sir, I would move Nos. 350-353 or Nos. 354-357. I want that my previous amendment should be considered along with one of these amendments, and I propose that one seat may be taken from the Satpukur or the Belgachia area and added to the one seat in Ward No. 27.

Mr. PRESIDENT: You cannot do that in an indefinite way. You must specify the Ward from which you want to take one seat and add it to the one seat in Ward No. 27.

Rai Bahadur MANMATHA NATH BOSE: In that case, Sir, I would like to move amendments numbering 354-7 relating to the Satpukur area.

Mr. PRESIDENT: All right.

Rai Bahadur MANMATHA NATH BOSE: I beg to move that in clause 11 of the Bill, in the proposed Schedule III, under the head "A—General constituencies" for the word "One" in column 3 of the item relating to Tollygunj—Ward No. 27, the word "Two" be substituted.

And I also beg to move that in the same clause and in the same proposed Schedule III, under the head "A—General constituencies" for the word "Two" in column 3 of the item relating to Satpukur—Ward No. 31, the word "One" be substituted.

In doing so, I beg to submit that the area covered by Ward No. 27 is 1,389 acres which is larger than the area of any other ward. The annual value of this ward in 1933 was Rs. 23 lakhs. In 1938, this value went up to Rs. 36,89,515 or to nearly 37 lakhs in round figures. The

increase has nearly been 60 per cent. in 5 years. No other ward can show a better record of development. There is plenty of scope for expansion here in view of its exceptionally large area. The number of new Houses that are being built every year is that ward is as large as the number of houses built in all the other wards put together. And yet, Sir, this ward is allowed to elect only one councillor whereas some other wards far less in importance in every respect enjoys the privilege of being represented by two councillors in the Corporation. In this connection I shall place before the House through you a table showing the importance of this ward as compared with the other wards which I have mentioned in another place, namely, from which I propose to take away one member, that is from Ward No. 31—Satpukur. Now, as I was submitting a little while ago, so far as this ward is concerned, I have submitted already that the area in acreage of Ward No. 27 is 1,389, whereas the area of Satpukur in Ward No. 31, is 750 only. So far as the population is concerned, in Ward No. 27, it was 40,730 in 1931, whereas in Satpukur the population was 19,194, and the number of voters in 1935 in Ward No. 27 was 3,970, whereas in Satpukur it was only 996. The capital value of Ward No. 27 in 1933 was Rs. 23,04,608 whereas in Satpukur in 1933, it was 6 lakhs or Rs. 5,97,243, strictly speaking. The capital value in 1938 of Ward No. 27 was Rs. 36,89,515 or nearly Rs. 37 lakhs, as I have said, whereas in this Ward—No. 31—it was Rs. 6,80,780 and the gross demand in 1933 from Ward No. 27 was Rs. 4,23,823, whereas the demand from Satpukur in Ward No. 31 was Rs. 1,09,525. In 1938, the capital value of this Ward—No. 27—was Rs. 6,71,639 and of Satpukur was Rs. 1,29,440. So, this goes to show that as a matter of fact in every way Ward No. 27 is more important than Ward No. 31, namely, Satpukur. Therefore, my submission is that one councillor may be taken away from Ward No. 31 and added to Ward No. 27.

Mr. PRESIDENT: Amendments moved: That in clause 11 of the Bill in the proposed Schedule III, under the head "A—General constituencies," for the word "One" appearing in column 3 against each of the items relating to Tollygung—Ward No. 27—the word "Two" be substituted, and for the word "Two" in column 3 of the item relating to Satpukur—Ward No. 31—the word "One" be substituted.

Dr. RADHA KUMUD MOOKERJI: Sir, I rise to support this amendment. I speak for a Ward whose contribution to the beauty of Calcutta cannot be questioned now. I should have thought that Ward No. 27 represents a new Calcutta with all its modern amenities. But there have been many atrocities exemplified in this Bill and very unjust treatment has been meted out to this Ward No. 27 which deserves much better of the city. These atrocities will, I hope, be now removed. In addition to the facts and figures quoted by my friend, Rai Bahadur

Manmatha Nath Bose, I wish to point out two other facts: Firstly, the preliminary demand for the fourth quarter for 1938-39 which has just been compiled by the Calcutta Corporation in the case of Ward No. 27 amounts to 2 lakhs—2 lakhs for one quarter, but the corresponding demand for Ward No. 31 is only Rs. 35,000. Therefore, so far as contribution to the revenue of the city is concerned, Ward No. 27 compares very, very favourably with all the other Wards of the city. Secondly, I find that as regards the voting strength, the Calcutta Corporation has been bound to acknowledge the superior voting capacity of Ward No. 27 where the total number of voters exceeds 3,500, whereas for Ward No. 31, the voting strength of that Ward is represented by only by 1,000. Therefore, in point of voting strength alone Ward No. 27 should count three times the value of Ward No. 31. Nowadays, we are going too much on the standard of quantity and not of quality, and I do hope that in this small matter the Hon'ble Minister in charge of the Bill should be prepared to give in to this combination of two factors, quantity and quality, and support the amendment moved. And I do hope that the city of Calcutta will not lose at all by this additional representation being given to Ward No. 27 which is one of the most beautiful localities in this city. I do not expect that any amendment will be carried, but I do hope that this amendment, inoffensive as it is, and based on considerations of equity and justice—this amendment will commend itself to the unanimous support of the Council.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I rise to support this amendment. I am a resident of that locality, and there is a general demand from the rate-payers of that locality that as their area is very big running from the Ballygunge Station right up to the Tolly's Nulla, there should be more than one representative from this area. There is a big railway station and it is a growing locality, and as a matter of fact, if you take a census of that Ward, you will find that it has increased very largely in comparison with other Wards. The figures are on record and justify the demand for another seat. I, therefore, think that Ward No. 27 should have another seat allotted to it.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this amendment. It is very difficult at this last moment to make a change in the Bill. The scheme for representation was prepared after a very careful consideration, and Government would like to stick to that. So far as the appeal by Dr. Mookerji is concerned, I agree that it is a beautiful area, but in this age of democracy and mass amelioration movement, beauty does not always count. Backward areas must be given proper representation in preference to wealthier and beautiful areas. You know, Sir, that the Cossipore area has been added to the

Calcutta Municipality so that that area can be improved. It is a backward area and mostly labouring classes of our people reside there. So, Government is not prepared to cut out one seat from the backward area and give it to a more prosperous and wealthier area of Ballygunge.

Mr. PRESIDENT: Question before the House is that in clause 11 of the Bill, in the proposed Schedule III, under the head "A—General constituencies" for the word "One" in column 3 of the item relating to Tollygunge—Ward No. 27—the word "Two" be substituted; and for the word "Two" in column 3 of the item relating to Satpukur—Ward No. 31—the word "One" be substituted.

The House divided:—

AYES—14.

Bose, Rai Bahadur Manmatha Nath.
Chakraverti, Mr. Shrish Chandra.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mukherji, Rai Bahadur Satis Chandra.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Roy, Mr. Amulya Dhan.
Roy Chowdhury, Mr. Krishna Chandra, O.B.E.
Sarker, Rai Sahib Indu Bhusan.
Sen, Rai Sahib Jatindra Mohan.
Singh Roy, Mr. Saileswar.

NOES—29.

Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Khan Bahadur Rezzaqul Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Khan Bahadur S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hosain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
MacKay, Mr. H. G. G.
Molla, Khan Sahib Subidali.
Momin, Begum Hamida.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Scott-Kerr, Mr. W. F.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 11 stand part of the Bill.

(The question was agreed to.)

Clause 12.

Mr. PRESIDENT: The question before the House is that clause 12 stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. PRESIDENT: Question before the House is that clause 2 stand part of the Bill.

(The motion was agreed to.)

Clause 1.

Mr. PRESIDENT: The question before the House is that clause 1 stand part of the Bill.

(The question was agreed to.)

Short Title and Preamble.

Mr. PRESIDENT: The question before the House is that the Short Title and Preamble be added to the Bill.

(The question was agreed to.)

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1939, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Calcutta Municipal (Amendment) Bill, 1939, as settled in the Council, be passed.

Mr. LALIT CHANDRA DAS: Sir, I rise to oppose the final passage of this Bill into law. In his otherwise admirable speech, I should say, in connection with the adjournment motion of Mr. Kamini Kumar Dutta, the policy of dignified half action and inaction was enunciated by the Hon'ble Mr. Hunter, leader of the European Community, in dealing with what must constitute the dignity and duty of this House. He would have us do little of Questions, Motions, Resolutions and Bills lest we hurt our dignity, and make us more prone to fall in line with what the Assembly does lest by our continual and continuous interferences we should stake our very existence. It was not therefore, Sir, a matter for surprise that the Hon'ble Mr. Ormond would rise in his place and would call this portion of his speech a classic one, and it was not equally a matter for surprise that the Hon'ble Home Minister would have gone into raptures over this portion of his speech and recommended its wholesale observance. And now, if we follow the suggested course, we will have little to do but to allow this Bill to pass in silence which in some interested quarters might be extolled as golden. Sir, I hold a different view of the duties and rights and responsibilities of this House which is an elected body consisting of 57 elected members out of 63. It is a House of original action and not merely of revision. Save in matters financial and matters of budgetary demands and grants, the position of both the

Houses in all other respects is the same. When a Bill originates in this House, the corrections lie with the Assembly and *vice versa*. We must scan every Bill that comes before us from the Assembly as the latter would when a Bill originates in this House and goes to theirs. Sir, under a false sense of dignity we cannot; we must not, we dare not allow a wrong to be done without a protest even where we cannot prevent it being overborne by the tyranny of votes. Sir, here is a Bill in which a great principle has been violated striking at the very root of the democratic form of local self-government in Calcutta. Here is a Bill in which a great wrong has been done to the majority community of this city casting to the four winds all canons of justice and fair-play. Here is a Bill which has made the Europeans the masters of the situation. Sir, dignity, duty, rights and responsibilities—all these demand that we must lay an emphatic protest against the pernicious provisions of this Bill. Dignity does not lie in object surrender to the tyranny of votes. Dignity does not lie in being a silent supporter of insidious action inviting a third party to hold the power. Dignity does not lie in being a silent spectator of the great edifice reared by Sir Surendra Nath Banerjea, crumbling to pieces. That edifice was reared on the solid foundation of joint electorate for both Hindus and Muhammadans by Sir Surendra Nath Banerjea; but now, Sir, in giving it the go-bye and in defence of separate electorate for Muhammadans, the Hon'ble Chief Minister declared that Sir Surendra Nath Banerjea—one amongst the galaxy of other names—was also a party to the Lucknow Pact. Sir; that Pact, as we all know, was the result of an agitation led by His Highness the Aga Khan, under official inspiration. Reforms were then in the air and the thing had to be patched up hurriedly and therefore a temporary arrangement was then made. And yet that same Sir Surendra Nath Banerjea in 1923 thought and very rightly thought that for the purpose of administering the civic affairs of this great city, the time was ripe for introducing and maintaining a general electorate for both the Hindus and the Muhammadans for returning members to the Calcutta Corporation. Extremists were not then wanting to offer him the stoutest of opposition. They were then led as you all know by Mr. Syed Nasim Ali, now Mr. Justice Nasim Ali of the High Court. Mr. Nasim Ali repeated what the present day communalists now emphasise, that the Muhammadans as a whole desire Separate Electorate for returning members of their own community to the Calcutta Corporation. So, this argument of the party now in power is not a new argument. Sir Surendra Nath Banerjea was confronted with it. The point is not what they desire. The point is what should be and what is necessary for a democratic form of local self-government in Calcutta. The then leader of the European Group—Mr. Langford James—unlike the present leader of this group, assumed the role of a peace-maker. He told the Muhammadans quite frankly that they

should realise that the system of separate electorate could not be expected to continue indefinitely and suggested that after 9 years the only course should be the general electorate, and that will be the order of the day. Sir Surendra Nath Banerjea was appealed to accept this compromise. In accepting it on behalf of the Muhammadans, Mr. Nasim Ali observed: "I thank the Hon'ble Minister for Local Self-Government very much for bringing this amendment to give effect to this compromise which was so happily proposed by Mr. Langford James." It would thus appear that it was a concluded agreement and a binding compromise. Sir, the Muhammadans received due and weighty consideration for it. Instead of seven seats to which they were then entitled, they were given 13 seats which was subsequently raised to 15 and then to 19 as new areas were added to Calcutta. The introduction of the principle of separate electorate in this Bill is an act of gross breach of faith—to say the least of it. Sir, I ask in all seriousness, what justification is there for a majority community holding the reins of power to lay violent hands on the sanctity of contract? Why should a majority community in power in Bengal or for the matter of that, the majority community in Calcutta pause to listen to the cry of separate electorate when the real objective is the establishment of a democratic form of civic administration in Calcutta or a democratic form of Government in Bengal? Sir, it has been repeatedly dinned into our ears that the Muhammadans desire separate electorate. But, Sir, are not Professor Humayun Kabir, Mr. Moazzemali Chaudhury *alias* Lal Mia, Mr. Nausher Ali, Khan Bahadur Muhammad Jan, and Khan Sahib Abdul Hamid Chowdhury—to mention only a few,—the shining lights of the Muhammadan community? We know several others of the Coalition Group inside the Legislature and several others outside it, who desire unity with the Hindus and a general and joint electorate. At the same time, there is no denying the fact that the Hon'ble Mr. Fazlul Huq with the Ashan Manzil Group of Khwajas are big leaders. They are leading the Moslem masses away from the Hindus. Sir, we claim to know the hearts of the Moslem masses, 90 per cent. of whom are illiterate; their heart is sound; but they are being led astray by the big leaders, and I make bold to say that what is spoken and demanded in the name of the Muslim masses are really the views of the communalist self-seekers. Joint electorate in the municipalities, joint electorate in the Union Boards, local boards and District Board of Bengal are working quite well and satisfactorily. It is proof positive, if proofs were needed, that the introduction of the system of separate electorate for our Moslem brethren for returning members to the Calcutta Corporation is the work of self-seeking communalists bent upon dividing the nation into two warring camps for perpetuation of their own power and prestige. Their cry is a fascinating one; their cry is "Islam in danger," their cry is Pan-Islamism with a separate Muhammadan flag for establishment of Muslim hegemony to

lead astray the great Muslim community, 90 per cent. of whom are illiterate. But I dare say that in communalism, there cannot be any nationalism in a country such as ours which is inhabited by two great and powerful communities. Without fostering a spirit of nationalism through joint electorate, there will be no true self-government in Calcutta or for the matter of that any democratic form of Government in Bengal. Sir, a deliberate attempt has been made in this Bill by the communalists who have seized the reins of Government to reduce the Hindu majority to a minority or at least to an ineffective or precarious majority. The Hon'ble Mr. Hunter in one of his speeches declared that considerable majority is an evil. But here, Sir, it is not a question of a considerable majority. It is not even a question of a comfortable majority, it is not even a question of a working majority, but here the question is of a precarious majority. The question with the Ministry here was how to reduce the considerable majority of non-Muhammadans to a position of minority. In a House of 98 councillors, the elected seats are to be 85 of which 47 go to the general electorates and the rest, namely, 38, are reserved for Muhammadan constituencies who will have 22, Anglo-Indians 2, labour constituencies 2, and special constituencies 12. Sir, Labour stands on an economic plane. Here at least, religion is not the starting point of politics. A popular Muhammadan worker has as much chance of being returned to the Corporation as a non-Muslim worker has, even though the electorate be overwhelmingly non-Muslim. I may, therefore, assume that the 2 Labour seats will go to the non-Muhammadans, but the two Chowringhee seats will surely go to the Europeans, where they are in a considerable majority. So these two seats added to the combined forces of the minority groups will bring their seats to 40 against 45 seats of the majority community in the General Electorate of the Corporation. This is so far as the elected seats go.

Now, let us come to the nominated seats. The nominated members as we all know belong to the caste of the Government. They have no other caste. Their hearts, their heads, and their conscience, all belong to the Government, and their votes will follow the votes of the Government Benches. Although the nominated seats have been reduced from 8 to 4, there is every chance of this figure of 8 being restored in the Lower House. The Bill will go back to that House, and come back again, as the Hon'ble Mr. Suhrawardy has already declared that Government will not allow even a comma to be altered. Therefore, Sir, all these 8 seats will go to the minority community. The minority group seats are altogether 40 in number and if these 8 seats are added, it becomes 48; so it will be a case of 48 *versus* 45 and thus the majority community becomes reduced to minority. That is the whole situation now; and the Aldermen's seats will also go to the minority. Therefore, I argue that as a matter of fact, the whole thing that has been

done in this Bill is to reduce the majority community to a minority community. Even if it is argued that the two Labour seats will go to the majority community, it will give them only a precarious majority of 47 against 46. As you know, Sir, there is every chance of reshuffling and getting members from one group to another. So, there is no certainty whatever as to which community or party the Aldermen's seats will go.

There is another point which I would like to urge before the House. Certain principles were actually observed in allowing representation to the Muhammadans; it was on the basis of population that they were given seats in Calcutta. They form about 24 per cent. of the city population and they have been given 22 seats. Although my friend Mr. Hamidul Huq Chowdhury said that the Muslim population is about 26 per cent. and so 26 seats should be allotted to them, I should think he is clearly wrong there. Then again, Sir, in allowing seats to the Europeans, certain other factors were taken into consideration, namely, the rates they pay, the importance they hold in trade and commerce and such other things; and they were allowed 12 seats *plus* 2 seats which will go to them when they will fight through the General Constituencies. But no principle appears to have been followed in allotting seats to the non-Muhammadans. The non-Muhammadans form over 70 per cent. of the population of Calcutta. The non-Muhammadans pay more than 80 per cent. of the rates. If seats are to be allotted on the population basis, they ought to get 66 seats. If seats are allotted according to rates paid, they ought to be given more than 66 seats. Sir, I do not claim all the seats that they are entitled to get on the basis of rates paid. But I am quite prepared to suggest that some reduction must be made for distribution of seats to other minority groups and special interests. In any view, if any justice would and should have been done, regard being had to the population as well as to the rates the non-Muslims pay, they should have been given seats not less than at least 55 in number. This has not been done. So, as I observed, all canons of justice and fair-play were cast to the four winds in allotting seats to the non-Muslims in the Corporation of Calcutta. Sir, allow me to say to-day, this much at least should be crystal clear that for those to whom the burden of Government has been transferred, these early years are the testing time. The Muslim Government in Bengal is now faced with the responsibility of reconciling differences between the two great communities of Muslims and Hindus in Bengal. I have no hesitation in saying that on this issue the present generation of Muslims has within its power to make or mar the future of this great country. Only if the non-Muslims feel assured that they can collaborate as equal partners in a common enterprise without the haunting fear of finding their rights overborne or disregarded, can we hope for a sure and steady progress towards the

goal of independence as much as towards the goal of local self-government. The Hon'ble Mr. Huq's Government is giving a rude shock that they are out to overbear and disregard the rights of others.

Sir, with these words, I oppose the final passage of this obnoxious and black Bill.

Dr. RADHA KUMUD MOOKERJI: Sir, I rise to oppose the motion that the Calcutta Municipal (Amendment) Bill be passed into law. I do not like to repeat the various arguments that have been advanced in the course of numerous amendments that have been moved in order to improve the character of the Bill. But I should like to sum up the several points which emerged out of the discussions that have led up to the present stage at which the Bill now stands.

In the first place, this Bill has established beyond doubt the somewhat communal character of the present Government. I am very very sorry that I have to make this remark although I am doing so most reluctantly, but I think that we shall be judged by an outside public and the verdict of the outside public all over India will be this, that the present Government is actuated by communal considerations in passing this measure without even showing the scant courtesy of consulting the Corporation of Calcutta about matters which affect their very functioning, affect their very constitution. I think the judgment of the outside public all over India will be that both the matter of the Bill and the manner in which it has been rushed through without consulting the Calcutta Corporation only show up the somewhat communal character of the present Government.

The second point that has been established by this Bill is that there has been a somewhat sinister attempt to reduce the Hindu majority of the Calcutta Corporation. I do not like to say that it is a Hindu majority. I should like to say that the majority of the people who have been building up this city of Calcutta by their sacrifice, by their zeal for its prosperity, these people who form the majority of Calcutta's population in every way,—majority not merely in point of numerical strength or quantity, but majority in point of quality, in the far more important points of financial contributions and voting capacity,—the population of the city of Calcutta who thus form a majority, this majority has been sought to be whittled down as much as possible, so that every body must admit that the Bill as it now emerges out of the Council practically has reduced what was an overwhelming majority into a sort of a bare majority, or some hard critics might say that it is to all intents and purposes a minority. Thanks to the amendment that has been carried in the Council, a purely Hindu strength of 45 will now count against a total strength of 89. But I am very very apprehensive about the ultimate fate of the amendment that has been passed in this Council. At the same time, I cannot but congratulate the Council that for once at least it has

proved that it can function when it wills as a House of Correction, an ideal which has been so forcibly emphasized by my esteemed colleague, the leader of the European Group. We on this side endorse every word of what he said in giving expression to the ideals which should guide the working of this Second Chamber. I only wish that he had followed up his high ideals in actual practice in helping the Opposition in carrying through certain changes which were called for on grounds of justice and fair-play. I do very much wish that the European Group would follow up the mere generalizations and platitudes in which they have indulged so eloquently with so much of rhetoric and flourish. I only wish that they had followed up in action the noble words of Mr. Hunter. They had many opportunities for useful intervention on the side of justice and fair-play. But unfortunately, they were led by the nose by the people who hold the reins and who come from another place. And in that way, by their action they have proved that the Second Chamber is to obey the mandate of another House like its master's voice, and we must be led by the nose by the mandates issuing from another place.

Now, another point has also emerged out of the discussions on this Bill, and that is a point which is worth remembering all over India. The Upper House has been a very good eye-opener as to the real meaning of the so-called democratic Constitution that has been functioning in the provinces as a result of the Government of India Act, 1935. The other day we got unmistakable proof of the superior British diplomacy which alone knows how to frame a democratic Constitution by setting up a show of democracy without conveying the substance of freedom along with the show. The other day we were discussing a most important amendment which, in my opinion was a logical consequence of the amendment that was moved by our esteemed friend Khan Sahib Abdul Hamid Chowdhury and this Council was forced to follow up the consequences of this very, very important amendment by bringing in another amendment. Now, when we examine the fate of that amendment, what do we find? We find that while the supporters of the amendment were 25 strong, to our surprise there was some movement in one corner of this House. There was a flutter. I for myself being an idealist was thinking that there should not be any movement in that quarter, but there were seen signs of movement. I thought that the movement might be directed towards the cause of justice. Oh! No. Well, a body moved solidly towards the opposite direction and what do we find? We find that although the Indians left to themselves would have been able to decide the fate of the amendment, there was the foreign factor in the Legislature over which there is no control; and it was undisputably proved what triumphs of British statemanship were achieved in the British Parliament by granting the paraphernalia of democracy without the substance of freedom. I congratulate the Europeans——

Mr. E. C. ORMOND: On a point of order, Sir, whatever else the members of the group to which I have the honour to belong may be called, is it in order or is it parliamentary in a Legislature which is part of His Majesty's Government that they should be called foreigners?

Mr. PRESIDENT: It is incorrect, but it is not unparliamentary. All of us being subjects of His Majesty the King-Emperor, the hon'ble members of the European group should not be styled as foreigners. It is incorrect.

Dr. RADHA KUMUD MOOKERJI: Sir, I am quite willing to change my language and make it as chastened and courteous as possible. I hope my hon'ble friend will kindly permit me to call them the European Group of the Council. I hope for the day when the Europeans will call themselves Indians, but I think they will not choose to call themselves Indians at this stage and they prefer to keep aloof as Europeans. Well, let us recall that beautiful spectacle to which we were treated. The Indians showed that they were able to carry the amendment. But unfortunately, as I said, where an attitude of aloofness was expected, there was movement, and unfortunately the move was towards what in our opinion was the cause of injustice. Now, it was proved that the Constitution, that the so-called Provincial Autonomy that is operating in Bengal has not conferred any real power or independence upon the elected representatives of the Bengalees themselves. On that day, our Muslim friends were as helplesss as the Hindus, and of course my Muslim friends forming the Government were able perhaps to offer a higher bid for the vote of those people who held the balance of power—I do not know what bid was offered, but I am sorry to say, that the present Europen Group of the Council failed to rise to the responsibility of the situation. They failed to appreciate the good work that was done by their predecessors in the Legislature; they stood up to undo the work of their predecessors. Their work in 1923 was to pave the way for the establishment of real democracy in Bengal on the basis of joint electorate pure and simple, and what do we find to be the spectacle to-day in Bengal? Bengal to-day will rank as the most reactionary province in the whole of India. It has already started by replacing joint electorate by separate electorates. I have no quarrel with the separatists as I told you, but once there was an agreement on the subject, thanks to the leadership of the then European Group of the Legislature, now even that has been violated. We do not know really where we stand.

Now, coming to the objectionable features of the Bill, I wish it were given to me to move the impeachment of this Government on this matter and I am prepared to count several items of impeachment. These are briefly as follows. First, the present Government instead of

representing all communities represent their own community. They have represented their own community and they have proved themselves to be a communal Government. I wish we had the inspiring presence of the Chief Minister here to-day. I would then have repeated my appeal to him that at least the Chief Minister sometimes represents the whole of Bengal as he is its undoubted leader on account of the very noble antecedents of his political life. He is one of the few Moslem leaders who threw up Government service to lead the Indian National Congress movement in those good old days. He has now changed from his old self. I wish to appeal from Philip drunk to Philip sober, but to-day unfortunately he is not with us. To-day he is drunk with another kind of power. Instead of representing the whole of Bengal with all its communities, the Premier has lent himself to a lower capacity, namely, to a position where he only speaks for the Moslems and stands up for the Moslems. That is not fair. It is unworthy of our present Premier that he should have allowed his Cabinet to separate Moslems as a group by itself apart from the rest of their fellow-citizens of Calcutta. I wish to invoke the older and nobler self of the Premier so that his nobler self might subdue the lower self that for the time being is functioning in the Legislature. (Here the Hon'ble Chief Minister entered the Chamber.) I repeat my appeal to the Chief Minister that he should stand by the amendment that we have passed, and once and for all lead the whole country and should not count himself as a leader merely of the Moslem community. He is a great nationalist leader who is still fit to lead all the communities in the country. I wish him to recall his old and nobler self, and, as I have said, I appeal from Philip drunk to Philip sober. Just now he is in very bad company and therefore I wish him to be very sober and come to our rescue and lead the whole country towards the triumph of democracy.

Now, let me count the various items upon which the present Government can be easily impeached by the rest of India. Firstly, the present Government have in a very important sphere of its work established its character as a communal Government. It has needlessly tried to reduce the numerical strength of a majority community, it has needlessly tried to reduce a majority into minority. Secondly, it has needlessly recognised by means of a statute that separate electorate is preferable to joint electorate for a particular community, even after the lapse of a particular period of time; I say that this particular measure is very very regrettable on account of the fact that a settlement was arrived at between the two communities in 1923, and in 1933 this settlement was given the fullest scope and an era of joint electorate was inaugurated in 1933 in the Corporation. Now, my third point is this, that this most important Bill has been introduced without a reference to the Calcutta Corporation. Well, it is a very bad omen for

the future. Perhaps the present Government will be now out to level its attack upon other great institutions which have built up the public life of Bengal without consulting them. It is a very very unconstitutional procedure to adopt in trying to alter the constitution of big bodies without the courtesy of consulting them. I come now to the last but not the least important point. The present Government has made a merciless political use of a helpless section of the Hindu community, namely, the Scheduled or the Depressed Class. They have made unjustified political capital out of the weakness of the so-called Scheduled Caste community. Where it is convenient to Government, they are always prepared to make use of the Scheduled Caste members by means of nomination. Now, it cannot be denied that those who are nominees of Government can bear only one label, and that is that they should be the servants of Government, always ready to obey the mandate of Government. Therefore, Government nominees are practically Government members. So, they have taken advantage of the weakness of a particular section of the Hindus by dangling before them this small favour which cuts at the root of democracy. They think that the Scheduled Caste community is unfit for democracy and unfit for the process of general election. They have been denied this democratic privilege of election and nomination, I make bold to say, has been forced upon the Depressed Classes who would have none of it, as I am told, and yet in spite of our protestations and in spite of the protest from this particular section concerned, the door of nomination has been kept open, and why? Only for this nefarious design that Government will be able to count upon their very loyal support in case of need. We have already got before us examples of the kind of conduct to be expected from the nominees of Government—with some honourable exceptions no doubt—of course there will be honourable exceptions in every case, but exceptions do not establish a rule. The rule is that by nomination you cannot give any credit to any community except to the Government. Therefore, the nominees of Government cannot be expected to exercise sound judgment in any important matter. I refuse to accept the arguments of Government in this connection, because we know that those who come in as the nominees of Government are bound to carry out the mandate of Government, and therefore they cannot be labelled as belonging to any community with independence of judgment. I, therefore, think that a series of outrages have been committed not merely upon the constitution that was given to the Calcutta Corporation by Sir Surendra Nath Banerjea, but a series of fresh outrages have been committed upon the ideals and practices of democracy by, firstly, carrying through a measure without consulting the particular body affected and secondly, by substituting separate electorate for ever for joint electorate, and, thirdly, by keeping up nomination for a particular section of a particular community only for furthering an unjustifiable purpose which the Government may have

in view. I therefore think that this Bill makes a radical departure. It is a most retrograde measure which militates against those ideals of democracy which have been given an embodiment in the present constitution of the Calcutta Corporation. I do hope that Government will show at least some tender regard for the prestige of this Council by not altering the very very small amendment that was given to the Council to carry. Government must also remember that, thanks to the European vote, they were able to carry that day another proposal which is merely consequential to the amendment that the Council had adopted.

I now make my final appeal to the Chief Minister so that he may assert his leadership which means leadership not merely of any particular section of the community. To-day, he stands forward as the leader of the entire community of Bengal,—Hindus and Muhammadans, Christians and Europeons, and I do hope that in that sense he realises the full responsibility of his position and will allow the views of this Council to operate as they stand now. I do hope that we shall now part in peace and will not be called upon to take part in any disgraceful proceedings of having another sitting of the Legislature on a mandate to be sent from another place. I do hope that my hon'ble friends will show their independence of criticism when that time comes. Let us show that as a matter of prestige and unity we can stand unreservedly by the amendment that the Council has carried, and let there be no back-sliding or back-hand stabbing. We do not believe in any stabbing from behind or in the dark. We have fought in the open and we hope that the whole Council will accept the decision of the majority of the Council. In defence of our prestige, you must oppose the mandate that may be issued from another place. Now, I make my special appeal to the leader of the Coalition Party who is sitting opposite, and who is a very much respected leader. It is a matter of great pity that the Hindus cannot vote for him divided as they have been by the separate electorate, but all the same I must say that he is the fittest person for whom I can vote, and it is most atrocious that Government will not permit me to vote for the person whom I admire. They are suppressing my conscience, nor can I vote for the Hon'ble Mr. Suhrawardy whom I like for the outspokenness of his views. Nor am I enfranchised to this extent that I can vote for Khan Sahib Abdul Hamid Chowdhury. But I hope that this House will stand shoulder to shoulder for the sake of their prestige and position in the event of any untoward event taking place in the other House, in defence of its rights and liberties and will adhere to the amendment passed by this House.

Khan Bahadur M. ABDUL KARIM: Sir, I had no mind to take part even in the second reading stage of this Bill—much less in the third

reading stage. But the frequent appeals that the leader of the Opposition has made to me to exercise my wisdom—my supposed wisdom—and foresight and statesmanship and magnanimity and what not, leave me no option. After that sort of appeal, it is impossible to resist the invitation. But, Sir, before I do that I will tell my hon'ble friends opposite that once upon a time in the beginning of the 20th century there was a European District Magistrate who was hearing a case that was argued before him. The pleader for the appellant placed a cart-load of rulings on his table with the object of satisfying him about the justice of his cause. The District Magistrate did not utter a word during the whole of the argument, but after the close of the argument he made a pithy remark as follows: "Babu, I find that your head is so full of laws and regulations that there is hardly any room for common sense in it." Sir, I was labouring under a feeling like that when the amendments to this important Calcutta Corporation (Amendment) Bill were being discoursed upon. I am not one of those whose heads soar high in the clouds of political theory. Sir, I am one of those whose every day contacts with the realities of life make him feel that there is nothing in the laws of Nature, or for the matter of that in the laws of God that have no counterpart in the laws of man. Under that impression, Sir, I did not advise the members of my party to take up much time of the House in replying to the speeches from the Opposition. Our silence on this side of the House should not be taken as any sort of acquiescence in the wisdom or justice of the claims put forward by the other side. My friends opposite ought to know that that was the reason why we did not waste the time of the House; not because we were convinced by the superior logic of their arguments, and that is why in most cases we exercised our silent vote. This must not be taken to mean that we had got nothing to say in reply to those, but because we thought it to be futile and also for the reasons that I entirely agree with the instructive observations made by the leader of the European Group the other day, that our function as members of the Upper House should be somewhat different from the functions of the Lower House, especially in the matter of a Bill which does not originate in this Chamber, but comes before us from the other Chamber and requires that we should exercise our powers of revision. The attitude of my party in relation to the Bill was this. It was a Bill which was passed by the Lower House, which was initiated and passed by the Lower House by a vast majority. As I have conceived it as the result of five years' experience in the Council of State, our duty is this: Unless there is something very repugnant, very unnatural, the revising body should hardly indulge in, to repeat the pregnant words of Mr. Hunter, the donkey-work of original or detailed legislation. This conception of our function is responsible to a very great extent for the less important or rather no part that the members on this

side of the House have taken in the debate. I might tell Dr. Radha Kumud Mookerji and members of his party that we are no part of the Government. We do not take it as compliment from him. He as well as everybody else in this House knows that Government have not taken the Coalition Group into their confidence. It cannot be said that we are part of the Government. As regards the second supposition that we are henchmen of the Government, that we are ready by a nod to oblige the Government of the day, the learned doctor is mistaken. He has seen instances in which we have taken up the cudgel and given the hardest knocks to the Government, and if any such occasion will arise in future we shall not be lagging behind. Therefore, it was an insult to us to suggest that as a matter of fact we are so many creatures of Government and as if we have got no independent existence. That is a fact which the future will show. Now, Sir, we painfully felt that during the discussion of this Bill Dr. Radha Kumud Mookerji showed his contempt, may be under that false impression, that we are so many people of Government ready to vote with Government on every occasion. Swan-like he sang in so many words, "I am hoping against hope when I appeal to the members of the Coalition Party to accede to our request or to our demand," and swan-like he sang his last song, and to quote from Dryden or Pope—

> "he gazed on the fair who caused his care and sighed and looked,
> sighed and looked, and sighed again."

That is to say, he was going to break his head against the Chinese Wall. Therefore, I can assure the hon'ble doctor that he is mistaken. We considered this Bill very carefully with all the attention, with all the experience and knowledge that we could bring to bear upon this subject, and we found that it was a very beautiful and delicate edifice from which we could not take out one single brick. I believe that Dr. Mookerji will appreciate my remark coming as he does from Lucknow which is famous for its architectural designs and buildings. As a matter of fact, we tried our best to pull down that building, but it was so delicate and well-balanced and arranged that we could not, so far from demolishing one block as this House has done with regard to the question of reduction of nomination, we could not see our way even to take out one brick therefrom. It was like another Taj Mahal to compare great things to small. No amount of engineering skill, no amount of architectural skill can replace one little item of that structure. As a matter of fact, Dr. Mookerji must remember that we on this side of the House, most of us are people whose time is measured by gold and not by silver, who are above all temptations, and very few of whom have got any axe of their own to grind, and it is the considered opinion of a body like that. I give expression to it publicly,

otherwise the impression might go forth that as a matter of fact the Coalition Group is only a department of the Coalition Government.

Now, Sir, with regard to separate electorates, I have already said my say. My conception about separate electorate and joint electorate I have already given out on the floor of this House, and I am not going over the same ground again. As regards the nomination matter, although this House has passed it, I for one do not think that that has been well done. I do not think that has been well conceived, because thereby the beauty of the whole thing has been destroyed. Not only that, but it has put the Government in an embarrassing position in which they cannot accede to the claims that would be coming forward from this or that community. If we had done away with the provisions of nomination altogether, that would have been a different thing, but to reduce it by half, when so many communities come with begging bowl in their hands before the Government, it would be really embarrassing for the Government to decide which party, which community and which persons they are going to oblige. I think that has been somewhat disadvantageous. With these remarks, Sir, I on behalf of my party give our whole-hearted and unstinted support with a clear conscience to the passage of this Bill and we could not have conceived of a better thing. I, as a lawyer have always made a distinction between legislation relating to the rights and privileges of the citizens and legislation relating to the administration of local bodies which are more adjectival in nature. Here, Sir, in Calcutta which is the second city of the empire, a cosmopolitan city, the scheme has commended itself to us on the ground that only broad classifications have been made—Europeans to have so many seats, Muhammadans to have so many seats, and General constituencies to have so many seats. I was reminded of that great deluge which visited this earth during the time of Noah. Noah's Arc was constructed and every pair of animals, birds and beasts were placed in that Arc so that they might not be drowned in the great deluge, Claims were put forward that so many seats should be reserved for Muhammadan Chamber of Commerce, so many seats for Indian Chamber of Commerce and so many seats for Marwari Chamber of Commerce. All these were unnecessary. Everything has been classified. Muhammadan seats go in with the Muhammadan constituency. The scheme has been based on that consideration, Muhammadans to have so many seats, Europeans to have so many seats and general Hindus to have so many seats. That was the main scheme of the Bill. It was classified according to nationalities, because this is a city of all nations. Therefore, Sir, it seems to me quite appropriate that no difference was made in the classification in the Schedule between commercial interests of Europeans, Muhammadans and Hindus generally. That was the scheme which commended itself to me and to the members of my party. Therefore, although the Opposition offered something "here

is another seat for Muhammadan Chamber of Commerce, accept it," we could not be persuaded to accept that sort of bait. With these words Sir, I on behalf of my party give our wholehearted support to this Bill I do not think that Government can be charged with any desire, as the Opposition says, to crush the Hindu community.

My friend, Dr. Mookerji, has said that one thing has emerged out of this legislation and it is this, that we have a communal Government in Bengal. I think, Sir, to some extent he is right, right in the sense that the British took the Government of Bengal from the hands of the Muhammadans by the grant of Dewani in 1765. Now, with the inauguration of the Reforms they are going to give up to the children of the soil what was their just due. It is only natural that the *statu quo ante* should be restored, it should come back to those people from the British Raj. Dr. Mookerji is right to that extent that our goal is Muhammadan supremacy in Bengal where we had our supremacy even as late as 1765 or so. Our goal is that. But to say that in passing this Bill we are actuated by that communal consideration, that is to say we are going to be unjust to the Hindus, my submission is that that assertion must be repudiated. As I have already said, Islam came into being not for the purpose of enslavement of the people but for their emancipation, and true to our ideals we follow that path. On former occasions, I have already stated that to call this Government a Muhammadan Government is a misnomer, because there are five Hindus, about 50 per cent. of the Ministers in the Cabinet. We have been more generous, at least not less generous, to the Hindus in any respect. Therefore, my submission is that I think Dr. Radha Kumud Mookerji is not right. The thing is when people are going to lose their vested interests, they always cry and to the jaundiced eye everything looks yellow. That is my reply to that part of the debate which characterises this Government as a communal Government, and I wish that the day may not be far when we may call this a Muhammadan province.

Mr. H. C. A. HUNTER: Sir, when on the occasion of the discussion and consideration of the Bill, I had the honur to explain the considered opinions held by my group towards the Bill, I gave ample reasons then—whether they were right or wrong—for the position that we were going to take up. I find it a little surprising therefore that we are accused of being inconsistent in the support that we have given to Government in the passage of the Bill through this House. Perhaps this inconsistency is thought to exist solely with regard to some views which I put before the House for their consideration the other day in connection with the functions of an Upper Chamber. It is admitted that the question of a Hindu majority in the Corporation, in view of the preponderating Hindu element in Calcutta is one which it is proper

should be deliberated in this Chamber, and on academical and theoretical grounds my group would have been the first to recognise the claims of the Hindus, if it had not been apparent that every extra seat given to the Caste Hindus would be given not to the Caste Hindus but to the Congress Left Wing. And I have explained on a former occasion that we consider the methods by which the Congress have managed and dominated the Corporation have not been such that we could support them.

During the course of the debate we have been accused also of two things. First of all, we have been accused of seeking our own interests, and of being blind to all other interests, and secondly, we have been accused of partisanship. We have the interests of Calcutta in our hearts just as much as any Indian has; but when we manifest any interest in the proceedings of this House, we are accused of interfering between the balance of parties, whereas if we were to take no active part we should be regarded as being neglectful of the welfare of Calcutta and Bengal. The views that I put before the House recently in connection with the functions of an Upper Chamber I still adhere to, and I hope that an opportunity will occur for us to develop those views in harmony among the various leaders of the groups in this Council; but I do not think that academic considerations should prevail over those practical ones, which I indicated in my speech at the consideration stage of the Bill.

Mr. KADER BAKSH: Sir, after the leader of this group has spoken it is not necessary for me to speak any more. But I am obliged to make a very few observations in view of the speech which Dr. Mookerji has made. Now, Sir, from the very beginning of the introduction and discussion of this Bill he has criticised the Bill as an anti-national and anti-Hindu Bill. I do not understand, Sir, what he means by these things. It may be an anti-Congress Bill, but it is not at all of an anti-national character. So, I do not understand what he means by his conception of the word democracy and nation. If it be for the purpose of giving power in the hands of one community, I cannot understand him. As I understand it, Sir, democracy means not autocracy; it means equal distribution of the rights and privileges among the different communities living in the land. Now if he wants autocracy for the Hindu community, that is a different matter and if he has an idealistic conception he might think like that. Sir, I can give you one or two instances when the Premier made his proposals for the distribution of the public services among the different communities in this country. Dr. Mookerji said that the Premier was trying to reduce the majority of the Hindu community on the Calcutta Corporation. May I ask him, Dr. Mookerji, and the Premier whether they have not fixed this ratio of services after considering from the point of view of population that the Muhammadans should be given at least 50 per cent. of the services?

When the modest proposal was made that the Muhammadans should be given 50 per cent. of the services, there was at once a hue and cry throughout the length and breadth of the country, and even Dr. Rabindra Nath Tagore was brought down from his seclusion, and he was also taken among that group and was made to subscribe to the statement of the signatories that this percentage would undermine efficiency of the services. We cannot understand why if the argument of population holds good in the case of the Corporation, it should not hold good in the case of the public services also. Why do they want division of seats on the basis of population here and on the basis of rates paid? Sir, there is another point. On the basis of population and as well as on the basis of taxes paid, I maintain that my community is a higher rate-payer as regards every department of Government. They are really the possessors of the soil. They contribute largely to the expenses of Government, and Government would come to a standstill if the Muhammadan community sits idle for some time. If they do not go to the fields, the entire Government will be paralysed and my friend Dr. Mookerji will not be able to get from the Floud Commission his Rs. 1,400 a month. If my friend is against the principle of nomination, why did he accept a nomination on the Floud Commission? So, I cannot understand him. His behaviour seems so paradoxical and contradictory to all of us. My friend ought to remember the speeches that he delivers from time to time in this Council. Now, Sir, the Muhammadan community has got only 22 seats, and why should they get 2 less? Labour has got 2 seats, the special constituencies have got 12 seats and Muhammadans have got 22 seats. Why is there an apprehension in the mind of Dr. Mookerji that all these elements will combine together against the Hindus in the Calcutta Corporation if they are just and fair? If they are just and fair, they will be able to attract the attention of the other non-Muhammadan communities, but because they are not fair and they are not just, and because their heart is not at all open or frank, therefore they are always apprehensive that other communities will not join them but will reduce them to a minority. Sir, may I request him and appeal to him not to create unnecessary bitterness but come to a compromise, and to take everything as it is. With regard to his contention that in the case of reduction of the number of nominated councillors from 8 to 4, the Muhammadan members of the Coalition Party showed their sense of justice and fairness, I can tell him that it was not so. That was not the reason which my friend has given as awakening of conscience in them. But the real fact is that the matter was taken up so rapidly and as we had no warning of its coming up and as we had no indication that it would be coming up on the 29th, so some members of this party failed to arrive in time. I was one of those who failed to do so, but I can tell Dr. Mookerji that these members had no intention that the number should be cut down from 8 to 4, and if a timely warning was given, this amendment would never

have been passed. And, moreover, I would bring it to the notice of Dr. Mookerji, that it is only just and fair when a community is so very insistent on having a clear majority, it is only fair that the number of nominated members should be not only 8 but must be more, to hold the balance even between all the communities. My friend Dr. Mookerji should not have said that all nominations are bad, seeing that he himself has accepted nomination for service on the Floud Commission——

Mr. PRESIDENT: Is the hon'ble member likely to finish in a couple of minutes?

Mr. KADER BAKSH: Well, Sir, I have already finished. In conclusion, I only want to say that I support the Bill as it was introduced without any amendment.

Mr. PRESIDENT: Thank you. I now adjourn the House till 8 a.m. to-morrow.

Adjournment.

The Council then adjourned till 8 a.m. on Wednesday, the 28th June, 1939.

Members absent.

The following members were absent from the meeting held on the 27th June, 1939:—

(1) Khan Bahadur Naziruddin Ahmad.

(2) Mr. Humayun Reza Chowdhury.

(3) Mr. Kamini Kumar Dutta.

(4) Mr. Kanai Lal Goswami.

(5) Alhadj Khan Bahadur Shaikh Muhammad Jan.

(6) Rai Bahadur Radhica Bhusan Roy.

(7) Khan Bahadur M. Shamsuzzoha.

(8) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 28th June, 1939, at 8 a.m., being the twenty-sixth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Muslim girl students of the Vidyamoyee Girls' High English School.

118. Khan Bahadur KAZI ABDUR RASHID: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) whether it is a fact that the present Head Mistress of the Vidyamoyee Girls' High English School has been there for the last 19 years;

(b) whether it is a fact that there has been a demand for one or two Muhammadan mistresses in the said school;

(c) whether it is a fact that there is no facility for religious training of Muslim girls;

(d) whether it is a fact that the Muslim girls are compelled to take meals cooked by Hindu cooks for the Hindu girls as there is no separate messing arrangement for them;

(e) whether it is a fact that there is no arrangement for the Muslim girls to observe their religious rites such as saying of prayer; and

(f) whether it is a fact that there is not a single text book of any Muslim author prescribed for any of the classes of the said school?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes.

(b) The Education Minister has no knowledge that any such demand has been made.

(c) No religious training is given in government institutions.

(d) Yes, the Muslim girls have to take meals cooked by Hindu cooks. The Education Minister is, however, taking immediate steps to make separate messing arrangements for Muslim girls.

(e) Proper arrangements have been made in the hostel for the observance of their religious rites by Muslim girls.

(f) Yes, except authors on Arabic.

Khan Bahadur KAZI ABDUR RASHID: Arising out of answer (a), will the Hon'ble Minister please state whether it is according to the rules and regulations of the Education Department to retain the same incumbent in one particular place for such a long period of time?

The Hon'ble Mr. NALINI RANJAN SARKER: I think there is nothing against this in the rule.

Khan Bahadur KAZI ABDUR RASHID: With reference to answer (f), will the Hon'ble Minister please state why the head mistress concerned does not give due consideration to the books written by Moslem authors and approved by the Text Book Committee?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice.

Calcutta University Press.

119. Khan Bahadur ATAUR RAHMAN (on behalf of Mr. Krishna Chandra Roy Chowdhury): (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that he received resolutions passed at a crowded meeting of the workers of the Calcutta University Press, presided over by Mr. Abdul Bari, M.L.A., on the 7th March, 1939, making serious allegations against the authorities of the said Press?

(b) If so, will the Hon'ble Minister enlighten the House as to what were the contents of the resolutions and what steps have been taken or are intended to be taken in this matter? If not, why not?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) No.

(b) Does not arise.

The realization of penalty from the defaulting proprietors in Chittagong.

120. **Mr. NUR AHMED:** (*a*) With reference to his replies to clauses (*b*), (*c*) and (*d*) of my question No. 153 answered on the 2nd May, 1939, will the Hon'ble Minister in charge of the Revenue Department be pleased to state if he has since then received the report of the enquiry mentioned in his reply? If not, when is he expected to receive the same?

(*b*) Will he further be pleased to state if he is going to issue some definite rules for realisation of penalty from the defaulting proprietors in Chittagong in order to save them from payment of heavy penalty and to end further uncertainty in this matter?

(*c*) Is it a fact that in many cases penalty at the rate of 25 per cent., 40 per cent. or 50 per cent. was realised from the defaulting proprietors of the estates and tenures in Chittagong in spite of his directions to the contrary?

(*d*) Does he propose to hold an enquiry into this matter by a responsible officer? If not, why not?

(*e*) Will the Hon'ble Minister be pleased to state if he proposes to take any step in this matter of penalty and to give necessary relief to the estate-holders of Chittagong in these hard days? If so, what are they? If not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) and (*e*) Instructions have already been issued to the Additional Collector of Chittagong not to charge any penalty when there is a good reason for default, and to see that when a penalty is imposed it does not exceed 15 per cent. in any case.

(*c*) No penalty at the rate of 40 per cent. or 50 per cent. was ever realised. Penalty on estates which defaulted in the last January *kist* was generally realised at the rate of 15 per cent. or 20 per cent. according to circumstances, but habitual defaulters, i.e., those who had defaulted three times within the last two years, were penalised to the extent of 25 per cent.

(*d*) No. In view of the facts disclosed in the report mentioned in (*a*) and in view of the instructions already issued by Government a further enquiry is considered unnecessary.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister please state if he proposes to issue similar instructions to the Collectors of other districts regarding the imposition of penalty?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, so far as my information goes, the Collectors in other districts are realising penalties only in those cases where they are absolutely justified, and there is no complaint of realisation of penalties at a high rate in other districts as was made by the hon'ble member through this question in the case of Chittagong. So, Government do not consider it necessary to issue any special instructions. As a matter of fact, at the beginning of last year Government did issue general instructions to all Collectors to realise penalties at a very, very moderate rate only in those cases where defaulters were habitual. So, Government do not consider the issue of any special instructions necessary again.

Message from the Bengal Legislative Assembly.

Mr. PRESIDENT: The Secretary will now read the message from the Legislative Assembly.

The SECRETARY to the COUNCIL (Mr. K. N. Majumdar): Sir, I have received the following message from the Secretary of the Bengal Legislative Assembly:—

In conformity with the requirements of Rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith authenticated copies of the Bengal Money-lendes' Bill, 1939, as passed by the Assembly on the 27th June, 1939, together with 150 spare copies of the Bill and to state for the purpose of Rule 36 of the Bengal Legislative Council Rules that the Bill was referred to a Select Committee of the Assembly before it was passed. I am further to state that the Bengal Money-lenders' Bill, 1939, was sponsored by the Hon'ble Nawab Musharruff Hossain, Khan Bahadur. A copy of the Statement of Objects and Reasons is enclosed.

The SECRETARY to the COUNCIL: Sir, I beg to lay on the Table the Bengal Money-lenders' Bill, 1939.

Rules Committee Report.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to give notice that I shall move the following motion at the meeting of the Bengal Legislative Council on the 11th July, 1939, namely, that the Draft Rules of Procedure for the conduct of business of the Bengal Legislative Council, under section 84 (*1*) of the Government of India Act, 1935, as presented by the Committee appointed by the Bengal Legislative Council be taken into consideration and passed.

The Calcutta Municipal (Amendment) Bill, 1939.

Mr. PRESIDENT: The House will now resume further consideration of the motion that the Calcutta Municipal (Amendment) Bill as settled in Council be passed.

Mr. RANAJIT PAL CHOUDHURY: Sir, I beg to record my most emphatic protest even at this stage against this measure which is calculated to harm vital national interests. By "national interests", I mean the combined interests of both Hindus and Muhammadans in this province. Yesterday, my hon'ble friend, Khan Bahadur Maulvi Abdul Karim, leader of the Ministerial Group, made a frank declaration of his party's attitude on the floor of the House. I must thank him for being so bluntly frank, because his speech gives the Hindus a timely warning of the policy that is going to be adopted by the party. He has not minced matters in any way and I believe he has put forward the proper interpretation of their latent policy. Again, as no contradiction is forthcoming from members of the Cabinet, it must be presumed that he has only echoed the sentiments of the Ministry—at least of the majority of it. Sir, it is more than evident now that the vicious Communal Award is bearing its fruits inasmuch as the majority community is blossoming out in its true colour in Bengal. I hope the Hindus will take note of this betimes. Of course, it will take time to work up the feelings of the Hindus, but once they are worked up, they will know how to proceed. We welcome repression because that will spur us on to take suitable steps for self-preservation. History proves it and experience admits it. To my Moslem friends who are dreaming of turning Bengal into a Moslem hegemony, I may say that when the Bengal Hindus have survived the onslaughts of the full-baked foreigners from the West for centuries and are still going strong, they are expected to survive the present attack of their half-baked compeers in this House, flourishing on the atrocious Communal Award.

Next, Sir, I would like to address a few remarks to my hon'ble friends of the European group who often make such loud professions of liberty, justice and fair-play, but who for the time being have been lured into upholding this obnoxious measure in the face of the most convincing facts and figures, just to spite the Congress ignoring altogether the larger Hindu interests. In the Congress provinces, the Europeans are siding with the Congress, but in Bengal their attitude seems to be quite different. They seem to be obsessed with the Imperialist policy of "Divide and Rule", and are perhaps relying too much on the quicksands of the Communal Award. But they seem to

forget that with the increasing tension in the International situation, with dark and dangerous clouds overhanging in the Far East, the present Indian Constitution may be replaced by another any moment reducing them to a hopeless minority at the hands of the Constituent Assembly of the Congress. Then and then only will they realise their mistake in alienating the sympathy of the Congress Party in this Province. They should also remember that it was not the Congress Ministry that had thought of expropriatory legislation like the Bengal Tenancy Amendment Act and the Bengal Money-lenders' Bill, both of which, one of their compatriots, Mr. Richardson, has condemned in no uncertain terms. With these words, Sir, I oppose this Bill and I hope that better sense will prevail in other quarters before the Bill finds a place on the Statute Book.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I rise to give a pointed reply to two or three points specifically raised by my learned friend Dr. Mookerjee. Sir, the learned Doctor and the members of his party have been dinning into our ears in season and out of season that we have been following an anti-democratic, anti-national and a discredited policy by supporting separate electorates in the Bill before us. But he does not care to listen to the reply we have been giving and to the reasons we have been putting forward as to why we are supporting separate electorates. Theoretically, Sir, joint electorate is the best and it should be the ideal. But as men of practical politics, we should not go by mere theoretical ideas. We cannot ignore our practical experience. Sir, joint electorate was tried in this Calcutta Municipality itself for full two terms, but what was the result? It was found that the election of men like the Hon'ble Mr. Fazlul Huq, the undoubted leader of the Muslim community, could be prevented and was once actually prevented by the manœuvres of the Hindu community. It was found that the majority community had no regard for the rights and privileges of the Muslim community. (Mr. RANAJIT PAL CHOWDHURY: What about his Mayoral election?) It was found that even when the Muslim elected members in a body resigned in protest in order to make the majority community realize the strong feeling of the Muslims regarding a particular matter, the Hindu community did not care a fig for the Muslim public opinion and they got elected some Muslims as members who themselves did not care for Muslim public opinion. Having thus got the bitter taste of the result of joint electorate, it is the considered opinion of the Muslims as a community and of us as their representatives that so long as the majority community cannot get over communal bias we must have separate electorates in order to enable us to ventilate

our grievances constitutionally through our real representatives without trusting the so-called representatives who get elected through Hindu votes.

The members of the European group also understood the situation when matters were explained to them and even the British Parliament fully realised the necessity of separate electorate for Muslims when they made provision for it in the Government of India Act, 1935. Separate electorate for the legislature was devised after mature consideration of the realities of life in India and the existing mentality of the different communities, and it will be pretentious on the part of the learned Doctor to think that he can make the Muslims or Europeans change their opinion merely by his oration or by his appeal to their sentiments, especially when this ideal was tried for two terms in this very institution and has been found to be a miserable failure. Sir, there was an opportunity for proving that the joint electorate would work smoothly in a country like Bengal, but the opportunity has been lost. Let the more advanced community even now pave the way for joint electorate. Let them be just and fair-minded. Let them realize that Muslims are also men and expect equal treatment. Let them not play the Hitler and behave as if the Hindus are born to dominate over the non-Hindus just as Hitler has been saying that white people are born to dominate over all other races. If the advanced community really act as they profess, they will find a change in the mentality of the less advanced communities in no time, and the latter will then be able to trust the advanced communities. Then and then only will joint electorate be acceptable and not before. Sir, we are not going to be deceived by sweet words and learned expressions or by mere ideals. We judge things by stern realities. We, on this side of the House, are emphatically of the opinion that the advanced Hindu community are determined to dominate over the minority communities. That is why they are so much against separate electorate for the Calcutta Corporation. Sir, the demand would not have arisen at all if they had worked the affairs of the Corporation with justice, fairness and equity. The autocratic policy of the Hindus in the Calcutta Corporation is responsible for the demand for separate electorate and is the real reason for the initiation of this Bill. It is the sacred duty of the legislature to put an end to autocracy under the garb of democracy and to replace it by real democracy although apparently it may be found falling short of the ultimate ideal. It will thus be clear that in spite of the learned Doctor's accusation that we have been undemocratic and anti-national, we of the Coalition Party and the European Group of the Legislature are actuated by feelings of real democracy in supporting the Bill which we believe attempts at replacing the present autocratic form of administration by a more democratic form in the Calcutta Corporation. Sir, it is an irony of fate that we who want to end autocracy are branded

as anti-democratic. It reminds me, Sir, of the incident of a pick-pocket who was caught red-handed and who had the audacity to turn round and charge the person whose pocket he picked that he was the thief and the property belonged to the pick-pocket.

Sir, the other point which the learned Doctor has stressed very much is his appeal to us, the supporters of Government, to show our independence by not voting with Government. Sir, we know the full significance of what independence and freedom mean. It does not certainly mean licence and indiscipline. Sir, in all parts of the world where party Government prevails, the members are quite free to discuss every matter at the party meeting, but whatever may be the individual opinion, the members belonging to a particular party have to respect the majority decision of the party. Having come to a decision in the party, no member is at liberty to go against the majority decision of the party. The Congress party to which our friends opposite belong also follow the same principle. Sir, our supporting the Government in carrying through measures approved by the majority at our party meeting should not, therefore, mislead my hon'ble friend to think that we have no independence or freedom. We express our views at our party meetings and press them for acceptance, but we have to submit to majority decisions. We are in no way less independent than our friends opposite nor are we less democratic, but yet we differ because we look at things from a different angle of vision. Whereas our friends opposite, particularly my friend the learned Doctor, looks at things from an idealist point of view, we consider things from a realistic point of view. Sir, we of the Coalition Party, do not approve of a democratic system according to which it may be possible for a section of the people to usurp all powers and to play the autocrat, however much the system may conform to democratic ideals. We, on the other hand, would much rather prefer a system which prevents accumulation of power in the hands of a section of the people and which would enable all the minorities to join together to overthrow the majority community in power with the help of a few conscientious people of their party if the latter abuse their power, although such a system might not satisfy all the conditions of democratic ideals.

Dr. RADHA KUMUD MOOKERJI: What about the Legislature?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In the Legislature also the position is the same.

Thus, Sir, whereas we stand for the substance of democracy, our friends opposite stand for the form of democracy although in substance such a democracy may be only another form of autocracy. I can understand, Sir, my learned friends Dr. Mookerji and Professor Humayun Kabir when they fight for the ideal. They are learned people

and philosophers. They believe in the ideal and they sincerely believe in the ideal they fight for. But, Sir, we are men of practical experience. We must not lose sight of the realities of life. If we do so, we will be drowned in the well just like the philosopher who was walking and contemplating over the heavenly bodies in the sky without caring to know where his feet lay. I hope, Sir, our friends opposite will now at least realize our view-point and will not brand us as undemocratic. One point more, Sir, and I have finished.

Sir, the learned Doctor has compared Bengal with other countries of the world and has come to the conclusion that nowhere in the world, not even in far off Poland, there is any demand for separate electorate for minorities. Sir, I would in reply tell him that nowhere in the world is to be found a majority community, with more education, wealth and power, treating the minorities with such contemptuous neglect as in Bengal and driving them (Dr. RADHA KUMUD MOOKERJI: Who are the minorities?)—in the Calcutta Corporation the Muslims are the minorities—and driving them to desperation. If the majority community be not considerate and sympathetic to minorities, the minorities must be led to desperation and there must be the natural desire for separation. Why did America separate from the parent country of Britain? Why Ireland has also practically separated itself? Evidently, because they found they were not getting proper treatment. For the same reason, the Muslims also want separation but circumstanced as they are, their separation can only take the form of a separate electorate. If they had a country exclusively their own, they would have declared themselves completely independent of Hindu India. There is, therefore, nothing unnatural nor retrograde in the demand for separate electorate, as given out by the learned Doctor. Let the Hindu community understand our view-point and change their mentality and then the Muslims will also reciprocate. Let them be real, let there be a real change of heart. Let there be real brotherly feeling and not mere profession and then there will be no demand for separate electorates. But till then, there must be safeguards for protecting the interests of the minorities, and the Government instead of being branded as communal should be congratulated for showing sincere solicitude for protecting the interests of the minorities by initiating this measure.

With these remarks, Sir, I support the passage of the Bill.

Begum HAMIDA MOMIN: Mr. President, Sir, I rise to support the passage of the Calcutta Municipal (Amendment) Bill wholeheartedly. Our leader Khan Bahadur Maulvi Abdul Karim explained yesterday the position of the Coalition Party of the Legislative Council very clearly with regard to their attitude towards this Bill and I whole-heartedly endorse it. Any one who has had any dealings with the powers that be in the Calcutta Corporation at the present

moment, will realize fully what is being done in the name of the rate-payers in general, and I am sure, they will all welcome the passage of this Bill.

Sir, I refute very strongly the charge that has been levelled by the Hon'ble Dr. Radha Kumud Mookerji that the Coalition Government is communal and that this Bill is proof positive of that fact. On the other hand, I think the broad general scheme that has been laid down in this Bill in fixing the quota of the different electorate is the only means, nay, the beginning of the creation of that nationalism for which Dr. Radha Kumud Mookerji in so very feeling words appealed to our Chief Minister yesterday.

The Bill will keep the balance of power in equity and justice and this alone can bring about nationalism if at all, for mere words cannot achieve that noble state of things which nationalism means. With these words, Sir, I support the passage of the Bill.

Rai Sahib INDU BHUSAN SARKER: Mr. President, Sir, in opposing the third reading of the Bill which has been debated with so much warmth on the floor of the House, I shall be very brief. For, the case for this side of the House had been very ably put forward by the leader of the Congress Party and my hon'ble leader, the Raja Bahadur of Nashipur, during the earlier stages. I know, Sir, when the Government sets its heart to a measure and carries it through by sheer force of number, it is futile for this House to try to carry conviction to them by advancing reason or argument. Therefore, whatever might be the injustice or the evident reactionary nature of the measure, and however detrimental it might be to the interest of an enlightened minority community like the Hindus of Bengal, the Government look like paying no heed to the dictates of reason and fair play. Sir, the sum-total of the Government endeavour in the Municipal Bill is, to put it in a word, to relegate the Hindu community in the City Corporation almost to a position of impotence by denying it representation in such number to which it is entitled by virtue of its population strength, tax-paying capacity, contribution to civic growth, education, and voting strength, in short, by all accepted standards by which representations in popular and representative bodies are calculated. My hon'ble friend Dr. Mookerji had taken you through elaborate figures in his excellent speech a few days ago in order to show the obvious injustice done to the Hindu community, specially the Caste Hindus, in this Bill and I can hardly usefully add anything to his arguments. It should be sufficient to convince the Government that, apart from the point of view of abstract justice, from the point of view of political justice also, the Bill is a true measure of the bankruptcy of statesmanship which, of late, is manifesting itself in the present Government.

Sir, the real nature of the Bill has come out in its true colour in the Statement of Objects and Reasons and it seeks to indicate the provocation of this piece of legislation. It has been pointed out that the Muslim community has, for long, demanded the amendment of the Calcutta Municipal Act. We do not know, Sir, through what channel those demands were made. But I am sure that these demands were not so insistent as to give rise to country-wide agitation, press propaganda, public meetings and representations and such other means through which public demands are generally put forward. Can it be said that in the matter of the Municipal Bill, so irresistible was this demand? Or was it merely back-chats and whispers of a certain powerful section of the non-Bengali Muslim community that recently inspired this legislation?

Sir, never was such a legislation taken on hand—so violent in its effect on a particular community—, without a genuine demand for it as in the present case. This shows that in spite of all appeal from this side of the House, the Government is not prepared to move an inch from the position it has taken up, and is not going to be influenced by the dictates of fair-play and justice. In such unenviable circumstances, it is with a feeling of despondency that one has to raise his voice of protest. Sir, the other day the Hon'ble Mr. Hunter, leader of the European Group, admitted on the floor of this House that some injustice has been done to the Hindu community; but he says that he cannot do anything, because an increase in Hindu seats will mean an increase in the Congress Left Wing which they cannot support in any way. But, after all, Sir, it is the Hindus in general and specially the Caste Hindus who are going to suffer, and are going to be deprived of their real franchise and privilege which should not be denied to them. With these words, Sir, I oppose the acceptance of this reactionary piece of legislation.

***Khan Bahadur Maulvi MOHAMMAD IBRAHIM:** মাননীয় সভাপতি মহাশয়, এই বিল অনেক দিন আগেই একটা কিছু নিষ্পত্তি হয়ে যেতো,—যদি আব্দুল হামিদ চৌধুরী সাহেবের প্রস্তাব পাশ না হোতো। তিনি যে প্রস্তাবটা কোরেছিলেন, তা যে কোন অসদুদ্দেশ্যে কোরেছিলেন এটা আমি মনে কোরতে পারি না। বরং তিনি অতি সদুদ্দেশ্যেই প্রস্তাবটা কোরেছিলেন। কেননা তিনি একজন মুসলমান। মুসলমান হিসাবে তিনি চেয়েছিলেন মুসলমানের সিট্ যাতে বেশী হয়। তাঁর প্রস্তাব পাশ হওয়াতে কলিকাতা কর্পোরেশনে ২২ জনের জায়গায় ২৩ জন মুসলমান হোতে পারে। এইটাই তাঁর একটা প্রধান উদ্দেশ্য ছিলো। সুতরাং তাঁর মনে কোন অসদুদ্দেশ্য ছিলো না। আর ও একটা উদ্দেশ্য ছিলো,—সেটা গভর্ণমেণ্টের বিলের বিরুদ্ধাচরণ নয়, কেন না অনুন্নত সম্প্রদায়কে সিডিউল্ড্ কাষ্ট্‌কে গভর্ণমেণ্ট যে তিনটী সিট দিতে চেয়েছেন আব্দুল হামিদ সাহেবের প্রস্তাবেও সেই তিনটি দেওয়া হোয়েছে; তবে এই প্রভেদ আছে, নমিনেশনের জায়গায় ইলেকসন্। গভর্ণমেণ্ট দিতে চান নমিনেশন, আর আব্দুল হামিদ সাহেব চেয়েছেন ইলেকশন্। আজ কাল এই গণতন্ত্রের যুগে নমিনেশন্ প্রথাটা কেউ ভাল চক্ষে

*An authorised English translation of this Bengali speech will be found in the Appendix.

দেখে না। এবং নমিনেশন যে দোষণীয় প্রথা তা সব জায়গাতেই বলা হয়ে থাকে। দৃষ্টান্তের ও অভাব নাই। ১৯০৫ সালে যখন ভারতশাসন আইন গঠিত হয় সে সময় এ দেশের এবং বিলাতের বহু লোক মিলিত হয়ে এই আইনটা গঠন করা হয়েছে। কিন্তু দেখা যায়, এসেম্বিরতে আড়াই শ মেম্বরের মধ্যে একটীও নমিনেশন দেওয়া হয় নাই কেন? নমিনেশনের যে কি ফল তা সবাই বুঝেছেন। এখানেও ৬০ জনের মধ্যে মাত্র ৬টী নমিনেশন দেওয়া হয়। আব্দুল হামিদ সাহেবও তাই সদুদ্দেশ্যেই ছিলো। নমিনেশন প্রথার কি কুফল তা তিনি প্রাণে প্রাণে উপলব্ধি কোরেছেন। এ বিষয়েও দৃষ্টান্তের অভাব নাই। বগুড়া মিউনিসিপালিটিতে আজ দশ মাস হলো ইলেকশন্ হয়েছে, কিন্তু মিনিষ্টার মহাশয় আজ পর্য্যন্তও নমিনেশন্ দিতে পারছেন না। দিতে পারছেন না কেন? তার কারণ, শ্যাম রাখি কি কুল রাখি এই প্রধান সমস্যার মধ্যে পড়ে গেছেন। কার কথা শুনবেন? এক দিকে খান বাহাদুর আর এক দিকে ডাঃ মফিজুদ্দিন। বগুড়াতেই শুধু নয়—দিনাজপুরে প্রায় দেড় বছর হয়ে গেল মন্ত্রী মহাশয় নমিনেশন দিতে পারেন নি। সেখানেও কার মন রাখবেন বুঝে উঠতে পারছেন না এক দিকে যতীন্দ্রমোহনের দল আর এক দিকে কাদের বক্সের দল,—এই দোটানায় পোড়ে, মন্ত্রী মহাশয় কি রকম হাবু ডুবু খাচ্ছেন তা সহজেই বোঝা যাচ্ছে, যদি এই নমিনেশনের প্রথা না থাকতো, তাহলে মিনিষ্টার মহাশয়দের এত বিপদে পোড়তে হোতো না। তারা একটু সোয়াস্তির নিঃশ্বাস ফেলতে পারতেন। আজ এই নমিনেশন প্রথাকে আঘাত কোরতে যেয়ে আব্দুল হামিদ সাহেব নিন্দিত হচ্ছেন। কেবল কাউন্সিলরদের কাছেই নয়। দেশের লোকের কাছেও, দু পয়সার একখানা আজাদ, আনন্দবাজার বা বসুমতীর মতের ভিতর দিয়াই দেশের লোক-মত নির্ভর করে। তারা কিছুই নিজেরা তলিয়ে দেখে না। আব্দুল হামিদ সাহেব কি লোভের বশবর্ত্তী হোয়ে দেশের কাছে এই রকম নিন্দনীয় হোয়ে পোড়েছেন? তিনি নমিনেশন প্রথাটা যে খুব কুপ্রথা সেইটার প্রতিকার কোরতে যেয়েই এরকম ভাবে অপদস্থ হয়ে পোড়েছেন। কিন্তু আমি আশা করেছিলাম যে কলিকাতা কর্পোরেশন বাংলার একটা আদর্শ প্রতিষ্ঠান। সেখানে এই নমিনেশন প্রথার উচ্ছেদ সাধন হবে, এবং এই আদর্শে বাংলার অন্যান্য জেলার মিউনিসিপালিটিগুলিও চোলবে। কিন্তু আব্দুল হামিদ সাহেব যে প্রস্তাব কোরেছেন, সে প্রস্তাব যদিও গৃহীত হয়েছে,—টিকবে কিনা জানি না। আমি তার বিরুদ্ধে ভোট দিয়েছি,—যেহেতু আমি কোয়ালিসনের খাতায় নাম লিখিয়েছি। (Mr. RANAJIT PAL CHOUDHURY : নাম কেটে দিন।)

এখনই এই বিল সম্বন্ধে আমার দ্বিতীয় কথা হচ্ছে—মেয়েদের সম্বন্ধে। আমি পূর্ব্বেই বোলেছি—কলিকাতা কর্পোরেশন দেশের একটা আদর্শ প্রতিষ্ঠান, কিন্তু আমাদের দুর্ভাগ্য যে সেই আদর্শ প্রতিষ্ঠানে আমাদের মেয়েদের প্রতিনিধিত্বের কোন ব্যবস্থা করা হয় নাই। আমি একথা জোর গলায় বোলতে পারি—এই কলকাতা টাউনে কি হিন্দু কি মুসলমান মেয়েদের মধ্যে এমন শিক্ষিতা মহিলারা আছেন যাঁদের কাছে পুরুষরা অনায়াসেই শিক্ষা লাভ কোরতে পারে। এরকম মেয়ে কলিকাতা সহরে বহু আছেন এবং আমি বিশ্বাস করি এই হাউসের শ্রেষ্ঠ লোক যাঁরা তাঁদের মধ্যে থেকেও কেউ কেউ সেই মেয়েদের কাছে শিখতে পারেন। হয়তো চিফ্ মিনিষ্টার মহাশয় একথা বোলবেন যে আমি তাদের নমিনেশন দেবো। নমিনেশনে যে কি বিপদ সেটা তো আমি পূর্ব্বেই বোলেছি। আর নমিনেশন ব্যাপারে তাদের মিনিষ্টারদের অনুগ্রহের উপর নির্ভর কোরতে হবে। কিন্তু তারা এত খর্ব্ব কিসে, শিক্ষায়, দীক্ষায় কিসে তারা খাটো? তারপর আমাদের দেশের লোক সংখ্যার অর্দ্ধেক সংখ্যক বোধ হয় মেয়ে জাতি। একটা পাখীর দুটী পাখের একটা যদি ভেঙ্গে দেওয়া যায় শুধু একটা পাখা দ্বারা তাহলে পাখীটী যেমন উড়তে পারে না, তেম্নি মহিলা জাতিকে আমরা যদি সবল না কোরতে পারি তাহলে সমাজ দেহও পঙ্গু হোয়ে উঠবে, আমরা উঠতে বা চোলতে পারবো না। সুতরাং মেয়েদের জাগাতে হবে। রাজনৈতিক ক্ষেত্রেই হোক বা যে কোন ক্ষেত্রেই হোক তাদের জাগাতে হবে। জ্যোতির্ম্ময়ী গাঙ্গুলী এবং কুমুদিনী বসু যে কলিকাতা কর্পোরেশনে কাউন্সিলার হোয়েছিলেন তাঁরা কোন পুরুষ অপেক্ষা খারাপ কাজ কোরেছেন—এমন কি কেউ দেখাতে পারেন? আমি পূর্ব্বেই বোলেছি তাঁরা বরং শিক্ষায় দীক্ষায় এই কাউন্সিলের

অনেকের অপেক্ষাই শ্রেষ্ঠ। সুতরাং তাঁদের শ্রেণীকে বাদ দেওয়ায় এই কলিকাতা কর্পোরেশন সংশোধনী বিল অঙ্গহীন হয়েছে। যাহোক, যা হয়েছে তার আর উপায় নাই, আমি এখন মিনিষ্টার মহাশয়কে অনুরোধ কোরছি, নমিনেশন যা নাকি হাতে আছে তার মধ্য থেকে যেন দুটী সিট্ মেয়েদের দেওয়া হয়।

পৃথক আর মিশ্র নির্বাচন, এ নিয়ে কি আর বোলবো। অবশ্য কংগ্রেস মিশ্র নির্বাচন প্রথাই সমর্থন করেন, আমিও বিশ্বাস করি প্রতিযোগীতা ব্যতিত কোনও জাতি, সমাজ বা দেশ উন্নতি লাভ কোরতে পারে না। কিন্তু একথাও ভাবতে হবে,—আমরা প্রতিযোগীতা কোরবো কার সঙ্গে? আমার মতন দুর্বল বৃদ্ধকে যদি সবল একজন তরুণের সঙ্গে প্রতিযোগীতা কোরতে বলা হয়, আমি কি তাহলে পারবো? কখনই পারবো না। সুতরাং বর্ত্তমানে প্রতিযোগীতা আমি সমর্থন কোরতে পারি না। আমি সে দিন বোলেছিলাম কুকুর দৌড়ের বিষয় যে সব চেয়ে বলশালী এবং খুব ভাল কুকুর তাকে দিয়েছে পিছনে, তার চেয়ে দুর্বলকে তার আগে—এই রকম করে সব চেয়ে দুর্বলকে দিয়েছে সামনে, নৈলে প্রতিযোগীতা চোলতে পারে না। এখানেও মিশ্র নির্বাচন হলে দুর্বল সবলের সঙ্গে পারবে না। কিন্তু আমি বোলছি একদা এমন দিন আসবে যেদিন হিন্দু সমাজই পৃথক নির্বাচন চাইবে আর মুসলমান সমাজ দাবী কোরবে—মিশ্র নির্বাচনের। আমার মনে হচ্চে সে দিন খুব নিকট। এটা আমি প্রাণে প্রাণে বিশ্বাস করি, আমি আর কিছু বোলতে চাই না।

***Maulana MUHAMMAD AKRAM KHAN:** মাননীয় সভাপতি মহাশয়, আমার বক্তব্য খুব সংক্ষিপ্ত। কর্পোরেশন বিলের সম্বন্ধে গত কয় সপ্তাহ ধোরে যে আলোচনা হোয়েছে তাতে যে বিলের ধারা উপধারার বিশেষত্ব কি, তার দোষগুণ কি সে সম্বন্ধে আলোচনা খুব কম হয়েছে; কিন্তু রাজনৈতিক ষড়দর্শন, তার ভাষ্য ব্যাখ্যা প্রভৃতির আলোচনাতেই সময় অতিবাহিত হয়ে গেছে। আমি মনে করি তার উত্তর দেবার দরকার নাই। (A member from the Congress Group: কারণ?) কারণ, আইনের সঙ্গে তার কোন সম্পর্ক নাই। আর উত্তর দিতে গেলেও একজন অধ্যাপকের দরকার, যিনি সেই দর্শন নিয়ে সময় অতিবাহিত কোরেছেন। (The Hon'ble Mr. N. R. SARKER: অধ্যাপক তো এখানেই আছেন।) (Dr. RADHA KUMUD MOOKERJI: উত্তরটা চাই।) (Mr. PRESIDENT: Order; Order.) প্রথম কথা এই দীর্ঘ অলোচনায় একটা বড় দিক দেখানো হয়েছে,—বিশেষতঃ অধ্যাপক রাধাকুমুদ মুখার্জি মহাশয় সেই দিক দিয়ে বার, বার উল্লেখ করেছেন একটা শব্দ " Communal "। তাঁর মতে এ বিলটা Communal, মন্ত্রীরা Communal, মন্ত্রীদের সমর্থক যে সমস্ত দল তারাও Communalism এর বিষে একেবারে জর্জ্জরিত। আপনাদের জানা আছে, ঋষ্যশৃঙ্গ বোলে একজন মুনি ছিলেন। তাঁর সভার একটা ঘটনা নিয়ে একটা শ্লোক রচিত হয়েছে,—বোধ হয় এ একটা উদ্ভট শ্লোক বা ঐ রকম ধরণের একটা কিছু হবে—তার প্রথমটা আমি এখানে বোলবো না—কেন না বলাটা সঙ্গত হবে না, কেবল শেষটুকু বোলবো—"আত্মবৎ মন্যতে জগৎ", অর্থাৎ মানুষ নিজের মনদিয়েই জগৎকে দেখে। আমাদের অধ্যাপক মহাশয়ও অন্তরে বাইরে সাম্প্রদায়িকতার যে সমস্ত প্ররোচনায় আবিষ্ট হোয়ে রয়েছেন, সেইটেই তিনি জগৎময় দর্শন কোরছেন। বৈষ্ণব শাস্ত্রে আছে,—যখনি বাঁশী বাজলো তখনই শ্রীরাধা বোল্লেন, বাঁশী তো বাজে, বনে বাজে কি মনে বাজে। বাঁশী বনে বাজছে না, মনেই বাজছে কিন্তু সেই বাঁশীর সুর বনময় প্রতিধ্বনিত হোচ্চে। শ্রীরাধা মনে করেন বনময় বাজছে, কিন্তু তা নয়, বাজছে মনের মধ্যেই। (Dr. RADHA KUMUD MOOKERJI: পৃথক হোচ্চেন কেন?) পৃথক হোচ্চি কি? পৃথক তো হোয়েই আছি। পৃথক আমরা হোচ্চি না আজ। ভাবে, ভাষায়, চিন্তায়,

*An authorised English translation of these two Bengali speeches will be found in the Appendix.

সংস্কৃতিতে, ধর্ম্মে সমস্ত দিক দিয়েই পৃথক। (A member from the Congress group —ভাষায় নয়।) ভাষাতেও নিশ্চয়ই। আমরা বলি "পানী" সেই জন্য "পানী" সাম্প্রদায়িকতাদুষ্ট হোয়ে গেছে বাংলা সাহিত্যে। অথচ পানী একটা সংস্কৃত শব্দ। যেহেতু মুসলমানে পানী ব্যবহার করে সেইজন্য এ শব্দটার ব্যবহারে পেয়াজ রসুনের গন্ধ আমদানি করা হয় বোলে বাঙ্গালার বড় বড় সাহিত্য সভার অভিভাষণে আলোচিত হয়ে থাকে। শুধু সাহিত্য সভায় নয় সংবাদ পত্রেও এ নিয়ে আলোচনা হয়। সুতরাং ভাবে, ভাষায়, চিন্তায়, সাহিত্যে সমস্ত দিক থেকেই আমরা পৃথক হয়ে আছি। যদি এমন সময় আসে, যখন আমরা দেখতে পাবো যে আমরা পৃথক নই তখন পৃথক হবো না। যে জিনিষটা স্বভাবতই আছে সেটা "নাই" বল্লেই নাই হোয়ে যায় না। (Mr. S. N. SANYAL: আমরা কলাপাতার সোজা দিকে খাই আপনারা খান উল্টো দিকে।) আমার বন্ধু বোলছেন—"কলার পাতে আমরা সোজা কোরে খাই, তোমরা উল্টো কোরে খাও।" এটা হোচ্চে দৃষ্টিভঙ্গীর প্রভেদ। তাহলে দেখা যাচ্ছে আমার পার্শ্বে উপবিষ্ট কংগ্রেসী বন্ধুও আমার মতের সমর্থন কোরছেন। (The Speaker referred to Mr. S. N. Sanyal who was then sitting also on the bench occupied by the Maulana) কলার পাতা প্রকৃতিই আমাদের দান কোরছে; তার ভিতরও খাবার সময় একজন খাবে এক পীঠে অন্য জন খাবে অন্য পীঠে, সুতরাং পার্থক্য আছে। তুমি যেটাকে বোলছো উল্টো, আমার দৃষ্টিতে সেইটেই সোজা। এবং আমার দৃষ্টিতে যেটা সোজা সেইটেই তোমার কাছে বোধ হচ্চে উল্টো। সুতরাং পার্থক্য যে আছে একথা প্রমাণিত। তারপরে Communalism. Community বোলে একটা জিনিষ আছে। মুসলমান Community আছে, এবং হিন্দু Community আছে। আত্ম প্রবঞ্চনা করা বা ভাবের ঘরে চুরি করা উচিত নয়। হিন্দু মুসলমান বৌদ্ধ খৃষ্টান প্রভৃতি বিভিন্ন সম্প্রদায়ের অস্তিত্ব যতদিন বাংলা দেশে, ভারতবর্ষে বিদ্যমান থাকবে, ততদিন সাম্প্রদায়িকতাও থাকবে। কিন্তু সাম্প্রদায়িকতা দোষণীয় হয় কেবলমাত্র সেই সময় যখন তা অন্যের প্রতি সংগ্রামশীল হয়। আমি মুসলমান হিসাবে মুসলমানের স্বার্থ দেখবো, মুসলমানের উন্নতির চেষ্টা কোরবো। তেম্নি হিন্দু যে সে হিন্দুর স্বার্থ দেখবে—খৃষ্টান বৌদ্ধ তাদের স্বার্থ দেখবে। সুতরাং কারণে অকারণে Communal এই শব্দটা প্রয়োগের কোন স্বার্থকতা দেখি না। যখনি দেখি কোন যুক্তি না থাকে, কোন একটা প্রমাণ দেবার না থাকে তখনি বিরুদ্ধ পক্ষ বোলে ওঠেন "তোমরা Communalism কে support কোরছো—Imperialism কে support কোরছো।"

এই Imperialism এর নামে আমার আর একটা কথা মনে হচ্ছে। মাননীয় আব্দুল করিম সাহেব বোলেছেন যে—১৭৬৫ সালে ইংরেজ রাজপুরুষেরা মুসলমানদের কাছ থেকে বাংলার রাজত্ব গ্রহণ কোরেছিলেন, সুতরাং এখন সেটা প্রত্যর্পণের সময়, তাদেরই হাতে দিতে হবে। আমার এ বিষয়ে সামান্য একটু নিবেদন আছে। আমি অনেক সময় দেখতে পাই, মুসলমানরা বলে যে "ইংরেজ ভারতবর্ষ আমাদের পূর্ব্বপুরুষদের কাছ থেকে গ্রহণ কোরেছে, সুতরাং ইংরেজের কাছে আমাদের দাবী বেশী" আবার হিন্দুরাও বলে যে—"ইংরেজ যখন ভারতবর্ষের শাসন ক্ষমতা নিজেদের হাতে গ্রহণ কোরেছিলেন তখন মুসলমান সাম্রাজ্য কার্য্যত বিধ্বস্ত হোয়ে গিয়েছিলো, এবং হিন্দুদের প্রভাব প্রতিপত্তি ভারতের শাসন কার্য্যে প্রতিষ্ঠিত হয়ে গিয়েছিলো; সুতরাং ইংরেজ রাজত্ব গ্রহণ কোরেছিলো—হিন্দুর কাছ থেকে মুসলমানের কাছ থেকে নয়।" আমি এটাকে বলি কাপুরুষতার প্রতিযোগিতা। আমাদের হিন্দুদের পূর্ব্ব পুরুষ বা মুসলমানের পূর্ব্ব পিতামহগণ কত বড় কাপুরুষ ছিলেন যে বাইরের, বিদেশাগত ইংরেজ তাঁদের গালে চড় মেরে ভারতের বা বাংলার রাজত্ব কেড়ে নিয়েছে,—সে জিনিষটা বোধহয় আমাদের কারো পক্ষেই গৌরবের কথা নয়। আমার বন্ধু পাল চৌধুরী মহাশয় দুঃখ কোরে বোলেছেন যে অন্যান্য কোন কোন প্রদেশে য়ুরোপীয়ানরা কংগ্রেস দলের সমর্থন কোরছেন। আর এখানে তাঁরা উক্ত দলকে সমর্থন কোরছেন না। কিন্তু

তাঁর বোঝা উচিত যে সে সব স্থলে তাঁরা কংগ্রেসকে সমর্থন কোরছেন না,—শক্তিকে সমর্থন কোরছেন, ক্ষমতাকে সমর্থন কোরছেন। সে সব প্রদেশে ক্ষমতা এখন কংগ্রেসের হাতে। বাংলায় এখন ক্ষমতা আমাদের হাতে সেইজন্য তাঁরা আমাদেরই সমর্থন কোরছেন।

Mr. AMULYA DHAN ROY: Mr. President, Sir, we have heard arguments for and against this Bill from every group of this House. But, Sir, one thing still remains a puzzle to me and that is this. In spite of the fact that the majority of the Scheduled Caste members inside and outside the Legislature are against this system of nomination and in spite of the fact that by a majority of votes the verdict of this House was pronounced against it, I cannot understand why the Government is going to approach the Lower House to nullify our decision. There will be no room for doubt that the Hon'ble Minister wants to turn the Calcutta Corporation into a subservient body to be ruled according to the dictates of the Bengal Secretariat. And, Sir, in order to suit the convenience of a cipher member in the Cabinet, they are imposing nomination on this particular community,—I will not mention his name, Sir. They want to impose this system of nomination on this community against the wishes of the members of our community. Sir, I shall not go into the details as to how that hon'ble gentleman stands in the way of progress of these poor Scheduled Castes. I shall not tell the House to-day; but if I get any occasion, I shall submit before this House that he is an impediment towards the progress of the Scheduled Castes to-day. But I would appeal to the Hon'ble Mr. Nalini Ranjan Sarker in all humility and I will ask him whether he is prepared to meet all the Scheduled Caste members in the Bengal Legislative Assembly and the Bengal Legislative Council at a conference and decide the method of representation according to the will of the majority. Is he prepared to accept this?

Sir, I want to give a reply to one of my friends opposite. My friend the Khan Bahadur has said that they have found defects in the joint electorate within a short time. But my friend forgets that it is the result of that joint electorate by which one of their leaders was elected the Mayor of Calcutta, and they are proud of him. Sir, my friend forgets that joint electorate is in existence in this country not for twelve years but for over half a century. Let us look to the district boards of Bengal and what do we find now? My friends and none of the Ministers in the Cabinet claim separate electorates in the district boards of Bengal, but they claim separate electorates in the Corporation of Calcutta. In all seriousness, may I ask Sir Nazimuddin why they make a distinction between these two categories of local self-governing bodies?

With these words, I oppose the third reading of the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, I think that we ought to make our position as well as the position of the

Coalition Party which has been supporting this measure clear in regard to the attitude which we have adopted on the amendments which have been tabled. A division, Sir, was carried on the floor of this House. We regard it, Sir, as being in the nature of a snap division and not a deliberate expression of the opinion of the House and therefore, Sir, we are emboldened to take up the position, that after the Bill has been altered in another place, we shall come up before this House for the expression of its deliberate opinion. The House, Sir, did not realize apparently at that moment that the Bill enshrines certain important arrangements that have been arrived at between those major parties whom we considered to be worthy of consultation. Very delicate adjustments had been made and these were thrown out of gear by the amendment moved by Khan Sahib Abdul Hamid Chowdhury and carried the other day.

Sir, an attempt was made by honourable members to retrieve the position and honourable members may have noticed that they took two different directions. One was to compensate for the reduction of the 4 nominated seats by reducing 4 elected general seats, so that, whereas the Bill makes provision for 47 general elected seats in a House of 93, there would be 43 elected seats in a House of 85. Another course which these amendments took was to add these 4 seats to the Muslim electorate. We requested our party to desist from adopting either of these courses which would have given a fresh lease of life to an unreasonable agitation, on the distinct assurance given to them that the Ministry stood or fell by this Bill as it was originally produced and placed before the House. On that account, we propose to abide by the pledge which we have given and to request the House once more to consider its decision in due course.

May I now come, Sir, to the speeches of Dr. Radha Kumud Mookerji and Mr. Lalit Chandra Das, who have stated the view-points of the Opposition in very forcible terms? Sir, the Bill is not the outcome of any cry of "Islam in danger"; that cry has fortunately been eliminated from the politics of Bengal. Nor is it the outcome of any cry like "Islam triumphant", because that is not the policy of the Ministry. We desire justice for all and domination for none. My friends opposite would like to dominate. We preserve the balance, and I am asking my friends opposite to consider that a mere overwhelming majority is not necessary for the purpose of that domination in Corporation politics which they seek. Take the position of the Muslim Party in another place. Although the Muslims are a majority in this province, they are a minority elsewhere, and even that minority is divided—some of them have sought the protection of the Congress, but yet the group that remains,—although in a considerable minority in the House itself wields a great deal of political power, prestige and influence and it obtains the

support of various groups and from various parts of the House, because its policy is based on justice and fair-play. If the group of Hindus in the Calcutta Corporation, who are not even in that unfortunate position in which the Muslim group is in another place, is out to do justice to other communities, it will find that its influence, its powers and its prestige will increase beyond all proportion to its numerical strength and it will rally round it all other groups. But if the Hindus desire to exercise their influence for their own purposes, then I feel certain that disintegrating influences will be found even in their own fold, because I am certain that even amongst them there are persons who are not so blind to the requirements of the other communities as to follow the dictates of a party whose sole purpose appears to be the domination of others.

Sir, one of the honourable members, I think it is Dr. Radha Kumud Mookerji—no, it is Mr. Lalit Chandra Das—who spoke of some members of the Muslim community, some of our rejected Paladins, as the "shining lights" of our community. Well, Sir, we make a present of these "shining lights" to Dr. Mookerji and his party. Their somewhat phosphorescent glow tarnishes, to some extent, the radiant effulgence of the coalition Party, but I am certain that in the dark abysmal depths of Congress politics they stand forth as "shining lights" by which nomenclature they have been recognised and described. Sir, Dr. Mookerji has asked us to abide by the settlement of 1923. Sir, I happened in those days to be a member of the old Legislative Council, and I do not think Dr. Mookerji was a member in those days or followed with any considerable interest the politics of those days. (Mr. SACHINDRA NARAYAN SANYAL: I, too, was in the old Council in those days.) Yes, Sir, Mr. Sachindra Narayan Sanyal was a member of the Council in those days, and we had the privilege of co-operating with each other. In those days he may remember that the settlement was to this effect, that the Muslim group made it clear to the House that, while they accepted the settlement for the time being at the suggestion thrown out by Mr. Langford James, they did so on the distinct understanding that if joint electorates were found to be a failure and to operate against the interests of the Muslim community and of the Corporation as a whole, they reserved to themselves the right of going back to separate electorate. That right they are now enforcing as that right they are now in a fortunate position to enforce. (Mr. RANAJIT PAL CHOUDHURY: Does all this appear in the Proceedings of the Council of those days?) Yes, they certainly appear in the proceedings of those days, and if honourable members will care to look at them they will find it there. But, obviously, I do not expect them to do so much research work.

Now, Sir, to resume. One strange charge has been made against the Ministry and it is that we are a communal Government. To this an

effective reply has been given to-day by our esteemed friend Maulana Akram Khan. So, I will not refer to it except to point out that on almost every occasion it has been our utmost endeavour—leading often to bickerings amongst ourselves—to see that justice is done to every single party and community in this province. We realise our responsibilities that, although our responsibilities are to try and help the depressed, and the poor, those who have been the victims of vested interests all these years, yet at the same time this has to be balanced by a general sense of justice and fair-play to all. But the charge to which I am referring, a charge which must sound strange to all ears, is that this Government is a reactionary Government. Sir, if by the term "reactionary" is meant reaction against the powers and prestige of those who have all these years kept that power and prestige to themselves and not parted with it for the benefit of the masses, then this Government is certainly a reactionary Government. But if reactionary Government means, reactionary in the sense in which it is used, namely, against the interest of the people, then, Sir, I refute that charge, and I call upon this House and the public outside to bear witness to the fact that possibly no Government in the whole of India has done more for the benefit of the people and of the masses, no Government has placed before it this great principle which it is attempting to fulfil, namely, that of service to the people, than this Government, and it does not lie in the mouth of those who are out to attack the Government, whatever may be the merits of their cause, to call this Government a reactionary Government.

Sir, another charge that is made against us is that we have made use of the Scheduled Castes. I refute that charge also. If at all, I think the Scheduled Castes have rather made use of us. But we are glad of it. We want the Scheduled Castes to rise in the scale as we want our own people to rise. We want to assist them—we go out of our way to assist them—but if that is called making use of the Scheduled Castes, then, Sir, I can quite understand the mentality of the Congress Party, which is "take everything for yourself but if you give something to others, then you must be giving it in order to get some advantage for yourself."

Something has also been said against nomination. Nominated members have been called the slaves of the Ministry and persons who will have no power or no influence and no separate voice. Sir, there is one member of the Coalition Party—at any rate a member who has been supporting us throughout in this very House—I mean, Dr. Barua, who is a nominated member. But this has not prevented him from taking a line of action which he thought was for the benefit of his own community and of the interests which he represents. But again, Sir, nomination changes its vocabulary according to the side of the House from which it is uttered. Nomination amongst the Congressmen means slavery, and that to-day has been exemplified by the speech made by

our esteemed friend Mr. Amulyadhan Roy. The honourable gentleman who went against the Congress previous to his election and who was unable to find a seat in the other House, to-day speaks on behalf of the Scheduled Castes and suddenly finds that the Ministry is opposed to the interests of his community or that they do not listen to their views. What does he know, Sir, as to whether we have listened to the views of the Scheduled Castes or not? The Scheduled Castes begged of us not to hand them over to the Congress and to take them out of the general electorate—not only within the Assembly but also outside it—and if Mr. Amulyadhan Roy can with his message find support outside this Chamber except from the small group of his own entourage, I shall be prepared to take back my statement. Sir, not only that. Those members of the Scheduled Castes upon whose support Mr. Amulyadhan Roy wishes to trade on the floor of this House and who he thinks will support joint electorate with or without reserved seats, approached us and requested us to give them separate electorates. (Mr. AMULYADHAN ROY: How many?) All. Not only those members, —and here I state on the floor of this House,—not only those members who supported the Coalition Party but those who are opposed to us: they also approached us and asked us to give them separate electorate, and Sir, there was a reason for it. They said, "we want our seats, and here is an attempt being made to reduce our seats. We know who are our friends and who are not." Let not Mr. Amulyadhan Roy think that because a large group of Scheduled Castes have gone and are sitting in the Opposition Benches that they are opposed to the measures of Government, which we are producing from time to time for the benefit of the Scheduled Castes. They are doing so; and they have joined the Opposition for certain reasons of their own which I need not discuss on the floor of this House. But if you turn round and say that they do not like nominations when almost every day members of the Scheduled Castes in the Opposition Party heckle us on the question as to why we are not giving nomination to Scheduled Castes in the local bodies, you state something which is absurd and which shows that Mr. Amulyadhan Roy has lost all touch with his Community. He does not know even what his community is thinking and ever since he has aspired to occupy the seat of our most esteemed and revered colleague the late Maharaja of Santosh, Mr. Amulyadhan Roy's politics are no more the politics of the Scheduled Castes, but the politics of his master whose voice he reproduces. That is the meaning of nomination in the vocabulary of the Congress, and that is the sense in which Mr. Amulyadhan Roy uses the word nomination.

Sir, that is all that I have to say. I thank those groups in the House that have supported the passage of this Bill, and I particularly thank the leader of the European group for the dignity and restraint and the lead which he has given to this House.

Mr. PRESIDENT: The question before the House is that the Calcutta Municipal (Amendment) Bill, 1939, as settled in the Council, be passed.

(The motion was agreed to.)

Mr. PRESIDENT: The House will now take up the Bengal Tanks Improvement Bill, 1938, as passed by the Assembly.

The Bengal Tanks Improvement Bill, 1938.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the amendments made by the Bengal Legislative Assembly to the Bengal Tanks Improvement Bill, 1938, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the amendments made by the Bengal Legislative Assembly to the Bengal Tanks Improvement Bill, 1938, be taken into consideration.

The question before the House is: that the amendments made by the Bengal Legislative Assembly to the Bengal Tanks Improvement Bill, 1938, be taken into consideration.

(The motion was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the amendments made by the Bengal Legislative Assembly to the Bengal Tanks Improvement Bill, 1938, be agreed to by the Council.

Mr. PRESIDENT: Motion moved: that the amendments made by the Bengal Legislative Assembly to the Bengal Tanks Improvement Bill, 1938, be agreed to by the Council.

I have carefully gone through the amendments made by the Legislative Assembly and I find that they are more or less formal.

The question before the House is: that this Council agrees to the further amendments made by the Bengal Legislative Assembly to the Bengal Tanks Improvement Bill, 1938, at its meeting held on the 21st April, 1938.

(The motion was agreed to.)

Mr. PRESIDENT: The Council is now going to be adjourned for a period of ten days. But before I adjourn the House, I consider it my duty to thank the honourable members for the assistance and co-operation which they had rendered to the Chair during the discussion of this highly controversial measure. The protracted debate on the Bill, with as many as 400 amendments to be disposed of, naturally entailed considerable strain on all parties concerned and there might have been occasions when some amount of heat was noticeable in the speeches and discussions in the House. If any action of the Chair had at times appeared harsh to the honourable members, I do assure them that I always acted with the best of intentions and in the best interest of the House.

I hope the honourable members will take my assurance in the spirit in which it is made.

The House now stands adjourned till 8 a.m. on the 7th of July, 1939.

Adjournment.

The Council then adjourned till 8 a.m. on Friday, the 7th July, 1939.

Members absent:

The following members were absent from the meeting held on the 28th June, 1939:—

(1) Khan Bahadur Naziruddin Ahmad.

(2) Mr. Humayun Reza Chowdhury.

(3) Mr. Humayun Kabir.

(4) Mr. Kamini Kumar Dutta.

(5) Alhadj Khan Bahadur Shaikh Muhammad Jan.

(6) Mr. Humayun Kabir.

(7) Rai Bahadur Satis Chandra Mukherji.

(8) Rai Bahadur Radhica Bhusan Roy.

(9) Khan Bahadur M. Shamsuzzoha.

(10) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur.

B. G. Press—1939-40—4976A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 7th July, 1939, at 8 a.m., being the twenty-seventh day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

All-India Competitive Examinations for Higher Services.

121. Mr. BANKIM CHANDRA DATTA (on behalf of Mr. Kamini Kumar Dutta): (*a*) Is the Hon'ble Minister in charge of the Education Department aware that Bengali candidates appearing at the All-India Competitive Examinations for higher services under the State have not been able to acquit themselves with as much credit as the candidates belonging to other sister provinces?

(*b*) Has the Government made a thorough enquiry into the causes of such deterioration of the intellectual level of Bengali students?

(*c*) If so, is it a fact that the cause of such deterioration has been found to lie in the defective system of education imparted in our Universities?

(*d*) Is it a fact that the results of Bengali candidates appearing at the competitive examinations for higher services under the State held in the United Kingdom are not as disappointing as those relating to All-India Competitive Examinations held in India?

(*e*) If the reply to part (*d*) be in the affirmative, will the Hon'ble Minister be pleased to state whether any enquiry has been made for such differentiation of results? If so, with what result? If no enquiry has been made, does Government propose to enquire into the matter? If not, why not?

(*f*) Is Government aware that students who appear at the higher competitive examinations in the United Kingdom get the benefit of very efficient coaches available on payment of certain fees?

(*g*) Does the Hon'ble Minister propose to take suitable steps for making similar advantages available to those Bengali candidates who desire to appear at higher competitive examinations held in India?

(*h*) Will Government appoint a committee consisting of educational experts and other persons having experience of the coaching system which obtains in the United Kingdom, for considering this problem in all its bearings? If not, why not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*), (*d*) and (*f*) Yes.

(*b*) Enquiry has been made.

(*c*) Yes, to some extent.

(*e*) Enquiry has been made. It is not possible to say with any degree of certainty what has been the cause of the differentiation.

(*g*) Yes. Arrangements have been made to start tutorial classes outside ordinary college hours at the Presidency and Islamia Colleges.

(*h*) It is not considered necessary to appoint a committee to consider the question.

Rai KESHAB CHANDRA BANERJEE Bahadur: With regard to answer (*e*), having regard to the fact that Government is not certain about the cause of this differentiation, will the Hon'ble Minister be pleased to state why it is not considered necessary to appoint a committee to go into the question?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I refer the hon'ble member to the answer given which will show that an enquiry has been made and the result has been communicated. Therefore, with respect to this particular question, Government do not consider it necessary to make further enquiry.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it not a fact that the Government is not definite about the result of the enquiry?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: What has been achieved by this enquiry has been indicated in the answer. I am sorry, Sir, I have nothing further to add.

The District Primary Education Board of Tippera.

122. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether District Primary Education Board has been set up in the district of Tippera? If so, when?

(*b*) How many official representatives are there on this Board, and who are they?

(c) Of the remaining representatives on the Board, how many are Muhammadans and how many Hindus?

(d) Who are the Hindu representatives? According to population basis in the district, how many seats are the Hindus entitled to?

(e) Of the Hindus in this Board, is Mr. Birat Chandra Mandal a member of the Government Coalition Party?

(f) Why have the Hindus been so poorly represented on this Board?

(g) How many primary schools does this Board now control in this district? Since when have these schools been started?

(h) In these schools, under the control of the Board, how many teachers are Muhammadans and how many Hindus?

(i) Of the Muhammadan teachers, how many are non-matriculates? And of the Hindu teachers, how many are non-matriculates?

(j) Does Government propose to fix the passing of the Matriculation examination as the minimum qualification for being a teacher in the primary schools?

(k) In regard to the appointments of these teachers, is it the intention of the Government to fix communal proportions? If so, what are the reasons therefor?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes; from the 1st April, 1938.

(b) and (c) The hon'ble member is referred to Notification No. 434-Edn., dated the 27th February, 1939, published on page 433, Part I of the *Calcutta Gazette* of the 2nd March, 1939.

(d) Seats are not allotted or reserved on a communal basis.

(e) Mr. Birat Chandra Mandal is not a member of the Board.

(f) They have not been able to secure election.

(g) 225 schools were started under the new scheme of Free Primary Education from the 3rd February, 1939.

(h) Muhammadans 487 and Hindus 169.

(i) Non-matriculate teachers—Muhammadans 319 and Hindus 88.

(j) Draft rules prescribing the minimum qualifications for appointment as teachers in primary schools are under preparation.

(k) This question has not yet come up for consideration.

Mr. LALIT CHANDRA DAS: In the answer to (b) and (c), notification dated 27th February has been referred to. Will the Hon'ble Minister be pleased to state whether it is a fact that 16 Muhammadans are on the Board and of the remaining 4, two are officials and 2 only are Hindus?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I believe each honourable member of the Legislature gets a copy of the *Calcutta Gazette* and when an answer is given by the Government, it is certainly intended for the whole House.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether it is a fact that of the 20 representatives, 16 are Muhammadans, 2 officials and 2 are Hindus?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry, I have not got the details, but if the notification shows that, it may be so.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister ignorant of the notification of which he was speaking that the whole House must be aware? Does not the Hon'ble Minister get a copy of the Gazette himself?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have said that I have not got the details here nor have I got a copy of the Gazette. If the Gazette shows the details as the honourable member mentions, they are so.

Mr. LALIT CHANDRA DAS: Sir, it is not an answer to my question. I want to know whether as a matter of fact the Minister knows that out of 20 representatives of the Primary Education Board in Tipperah, 16 are Muhammadans, 2 officials and 2 Hindus?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am extremely sorry, Sir, to submit that I am not under cross-examination. I am here to——

Mr. PRESIDENT: Order, order. I think there is some difficulty. It is not unusual to refer to official Gazettes or other publications, but it is also usual, when a member definitely affirms a certain fact, for the Hon'ble Minister to accept his statement. When the honourable member says that it is 16 for Muhammadans, 2 for officials and 2 for Hindus, it is graceful to accept that statement.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am extremely sorry, I was misunderstood. I never denied the hon'ble member's statement. I only said that since I have not got the details of the notification, if the honourable member says that it is a fact, it is so.

Mr. LALIT CHANDRA DAS: The answer to (*f*) is "they have not been able to secure elections." How were the members elected; were they elected by the members of the District Board?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I would refer the honourable member to the provisions of the Act which lays down the procedure. An election has been held and the result thereof has been indicated.

Mr. LALIT CHANDRA DAS: Were the elections held by the members of the District Board of Tippera?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The District Board is one of the constituents and I presume, Sir, the election must have been held by the members of the District Board themselves.

Mr. LALIT CHANDRA DAS: What is the proportion of the members in that Board which elects the committee? I mean the proportion of Hindus and Muhammadans?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I would refer the honourable member again to the notification which lays down the details of the proportion.

Mr. LALIT CHANDRA DAS: Arising out of answer (*i*)—non-matriculate teachers—Muhammadans 319 and Hindus 88, that makes 407. Why so many non-matriculates were appointed as primary school teachers when so many matriculates are available?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am extremely sorry, Sir, I cannot give all the reasons. But it seems to me that the services of the teachers who were engaged have been retained and have not been discharged all at once.

Mr. LALIT CHANDRA DAS: Is it a fact that because matriculates are not available, therefore non-matriculate Muhammadans numbering 319 have been appointed as primary school teachers?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I deny this charge. As I have indicated just a moment ago, some of these teachers were already in service and the Hon'ble Chief Minister did not think it proper to discharge them all at once.

The District Sub-Registrar of Howrah.

123. Rai Sahib INDU BHUSAN SARKER: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the District Sub-Registrar of Howrah seldom observes regularity in attending office but ordinarily attends office between 12 noon and 2 p.m.?

(*b*) Is the Hon'ble Minister aware that he does not sit in the *ejlas* to receive the documents from the parties but he receives them in his chamber where the public has no access?

(*c*) Is it a fact that he asks the party applying for commission to provide him with a conveyance although he realises the prescribed travelling allowance from the party for the same?

(*d*) Is it a fact that this officer has been degraded and transferred from Dacca to Howrah?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): I have no information, but I propose to have enquiries made.

Rai Sahib INDU BHUSAN SARKER: Sir, on the 1st of June last, I sent notice of this question, and although five weeks have elapsed, no reply is given. May I know how long it will take to have this matter enquired into?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am sorry it is difficult to give any definite idea of time, but it is hoped that as soon as the Hon'ble Chief Minister is free from his present engagements, he will have it done.

Rai Sahib INDU BHUSAN SARKER: Sir, it is a question relating to a Government office in Howrah. It is so close to Calcutta that ordinarily I might have expected this reply within these 5 weeks. However, I hope that it will be enquired into and the replies will be given in this session, as soon as possible.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I can only assure the hon'ble member that it will certainly be done as soon as possible.

The death of Reajaddy Mollah.

124. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that Reajaddy Mollah, son of Mahmud Mollah,

of Panchuria, police-station Narail, district Jessore (Union No. 11 of Bhadrabilla), died of starvation in the month of May, 1939?

(b) Is it a fact that Mr. Amal Sen, Secretary, Narail Krishak Samity, informed the Subdivisional Officer that the villagers were starving, but that no action was taken by the Subdivisional Officer of Narail?

(c) Is it a fact that similar cases are occurring in Narail and adjoining places?

(d) Is it a fact that the Subdivisional Officer charged "batons" on the starving people who came to him to seek help?

(e) Is it a fact that Mr. K. C. Mitra, a well-known public man of the subdivision, where he lives during the major part of the year, when waiting in deputation on behalf of the starving people upon the Subdivisional Officer was insulted by the said officer and that the Subdivisional Officer ordered Mr. Mitra to leave the subdivision at once by issuing an order under section 144 Criminal Procedure Code?

(f) If the replies to questions (a) to (e) be in the affirmative, will the Hon'ble Minister be pleased to state whether any steps are being taken by the Government or are intended to be taken against the said officer? If so, what are they? If not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) to (d) No.

(e) Mr. Mitra excited the people by holding meetings and delivering speeches and thereby tried to coerce the Subdivisional Officer and his staff to grant loans in undeserving cases. As the Subdivisional Officer apprehended a serious breach of the peace if Mr. Mitra was allowed to have his own way, he issued injunction orders under section 144 of the Criminal Procedure Code in March last directing him to leave the Narail subdivision within 24 hours or to show cause.

(f) Does not arise.

The test relief work in the district of Bogra.

125. Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) what was the amount sanctioned for test relief work in the district of Bogra?

(b) what was the agency through which and the manner in which the money was spent?

(c) whether Government is aware that doubts are finding expressions in open public meetings in the district both from

officials and non-officials that the money spent on the work done is unjustifiable; and

(*d*) if so, whether Government proposes to make a sifting enquiry as to whether the money sanctioned by Government has been fully spent for the purpose of test relief and whether the relief work carried out is commensurate with the money spent for the said work; if not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) 1938-39 Rs. 20,000 and 1939-40 Rs. 10,000.

(*b*) The amount of Rs. 20,000 sanctioned in 1938-39 was spent departmentally by the District Board in February and March, 1939. With Rs. 10,000 sanctioned in 1939-40, test relief work was carried on by the District Board in May last as well as in the current month through the agency of the Union Boards in the affected areas, according to the Collector's suggestion. The amounts were spent on construction and repairs of roads on piece-work system.

(*c*) Complaints were made orally by the villagers before the Subdivisional Officer, the District Engineer and the Second Vice-Chairman, District Board, and in writing to the Collector by some Presidents of Union Boards to the effect that a portion of the money spent on test relief work during 1938-39, has been misused and misappropriated.

(*d*) The Chairman of the District Board was asked by the Collector to institute an enquiry into the allegations and a committee has been set up by him for the purpose. The report of the committee is being awaited.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: বগুড়ার District Board এর Chairman কি খানবাহাদুর মহম্মদ আলি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: District Board এর Chairman এবং member রা টাকাটা distribute কর্ব্বার নাম ক'রে নিজেরা ভাগাভাগি ক'রে নিয়েছিলেন, এ কথা কি ঠিক? যদি District Board এর Chairman এই রকম ভাবে টাকাটা নিয়ে থাকেন, তাহ'লে তিনি যে enquiry কর্ব্বেন সেটা ঠিক হবে কিনা এবং Government এর তরফ থেকে কোন enquiry করা হবে কিনা?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the money was advanced to the District Board and Government have no information as to the details of how the money was disbursed.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: আমি আপনার ইংরেজী উত্তর ভাল বুঝতে পাচ্ছি না।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not think that the Chairman, the Vice-Chairman or the member named by the honourable member are directly responsible for the misappropriation of the money. So, in the opinion of Government the Chairman of the District Board——

Khan Sahib ABDUL HAMID CHOWDHURY: On a point of order, Sir. As the honourable member does not understand English——

Mr. PRESIDENT: Order, order. I have understood your point. After answering in English I think it would be better if the Hon'ble Minister gives the substance of his answer in Bengali.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Chairman of the District Board is the proper person in the opinion of Government to enquire into the matter.

(The Hon'ble Minister then explained the substance of his reply in Bengali.)

টাকাটা Governmemt District Board এর নিকট advance ক'রেছিলেন। কিন্তু উনি যে বল্‌ছেন District Board এর Chairman এবং অপরাপর মেম্বরগণ টাকাটা ভাগাভাগী ক'রে নিয়েছেন একথা ঠিক নয়। গভর্ণমেন্ট এটা মনে করেন যে District Board কে যে টাকা দেওয়া হয়েছে, District Board এর কর্ম্মচারীরা সে টাকা ঠিক ভাবেই খরচ ক'রেছেন। District Board একটা স্বায়ত্বশাসনমূলক প্রতিষ্ঠান। কাজেই গভর্ণমেন্ট মনে করেন যে District Board এর Chairman ই হচ্ছেন যোগ্য ব্যক্তি যিনি এ বিষয়ে enquiry কর্ত্তে পারেন।

The election of the Dinajpur Municipality.

126. Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*a*) the date when the general election of the commissioners of the Municipality of Dinajpur was held last;

(*b*) whether more than fourteen months have elapsed since the said election;

(*c*) whether two elected municipal commissioners, namely, Maulvi Mahiuddin Hossain and Babu Jamini Kanta Sen Gupta, have since died;

(*d*) whether any bye-election has take caused by their deaths;

(*e*) whether the Government has nominated any commissioners according to law and whether the names of elected and

nominated commissioners have been published in the Gazette;

(*f*) if not, whether the Government will be pleased to give reasons for the same;

(*g*) when was the last Board constituted? and

(*h*) when does the Government propose to publish the names of elected and nominated commissioners?

MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) The 29th March, 1938.

(*b*) and (*c*) Yes.

(*d*) No.

(*e*) I have already passed orders in the matter. The names of the elected and nominated commissioners have been published in the last week's "Calcutta Gazette."

(*f*) and (*h*) Do not arise.

(*g*) September, 1934.

Khan Sahib ABDUL HAMID CHOWDHURY: With reference to answer (*d*), will the Hon'ble Minister be pleased to assign any reason why no bye-election has taken place as yet?

Mr. KADER BAKSH: May I say one word, Sir? A date has already been fixed for the bye-election.

Mr. PRESIDENT: Order, order. What the honourable member wants to know is whether inasmuch as two Commissioners namely, Maulvi Mahiuddin Hossain and Babu Jamini Kanta Sen Gupta, have died, any bye-election has yet taken place to fill up those two vacancies?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As I have said, Sir, no election has yet taken place, but I stated that steps are being taken for those two seats to be filled up.

Khan Sahib ABDUL HAMID CHOWDHURY: With reference to answer (*e*), will the Hon'ble Minister explain if he has passed this order after he had received notice of this question?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No; certainly not.

Mr. KADER BAKSH: Is the Hon'ble Minister in charge aware that a date for the bye-election in place of those two members who have died has already been fixed?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Steps have already been taken to fill up those places, Sir.

Mr. KADER BAKSH: Is the Hon'ble Minister aware that a date for the election of the Chairman and Vice-Chairman has also been fixed for the 12th of this month?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of it. That is a matter to be arranged between the District Board and the Municipality.

Khan Sahib ABDUL HAMID CHOWDHURY: With reference to answer (*f*), will the Hon'ble Minister please assign reasons for this unusual delay in nominating members for this municipality?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The honourable members of this House must be aware that this department has gone to several Ministers during the last few months and I have been in charge of this department only since the last five months; so they will well understand why the delay took place.

Khan Sahib ABDUL HAMID CHOWDHURY: I do not make any reflection against any particular Minister, but will the Hon'ble Minister be pleased to state what is the actual reason for this delay?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The reason was that these nominations were given several months ago; and when I took over charge, I thought that the list had become so old that it should be sent back to ascertain from the local officers if anything untoward had happened in the meantime and if they wanted to make any change in the list. That is the reason for this delay.

Mr. HUMAYUN KABIR: Are we to understand from the Hon'ble Minister's answer that ministerial permutations and combinations are to be advanced as an argument for not carrying out the administrative work of the Government?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I think, Sir, that question is very unreasonable.

Applications for debt settlement.

127. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department kindly state—

(*a*) how many applications for debt settlement were received from the time the Bengal Agricultural Debtors Act came into operation up to the 31st March, 1938, and how many from 1st April, 1938, to 31st December, 1938;

(*b*) how many of these cases were disposed of by the 31st March, 1938, and how many between 1st April, 1938, and 31st December, 1938;

(*c*) what was the cost of the Debt Settlement Department from the very beginning till the 31st March, 1938, and from the 1st April, 1938, till 31st December, 1938;

(*d*) of the cases disposed of, in how many cases debts were settled and how many cases were disposed of without settlement of debts; and

(*e*) what is the aggregate amount of settled debts as against determined debts?

Minister in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): Statistics of applications and disposals are submitted to Government for half-yearly periods ending with June and December, and so I regret that I am unable to furnish the figures as at 31st March, 1938. The following figures are, however, available:—

(*a*) From the beginning up to the 31st December, 1937—377,352.
From the 1st January, 1938, to the 31st December, 1938—585,011.
(*b*) From the beginning up to the 31st December, 1937—35,080.

From the 1st January, 1938, to the 31st December, 1938—155,606.

(*c*) From the beginning up to the 31st March, 1938—Rs. 11,88,535.
From the 1st April, 1938, to the 31st December, 1938—Rs. 11,35,458.

(*d*) Up to the 31st December, 1938, 122,271 cases had been disposed of by settlement of debts, and 68,415 applications had been dismissed.

(*e*) Up to the 31st December, 1938, the total amount awarded was Rs. 1,82,01,139 as against debt determined in these cases amounting to over Rs. 2,73,00,000.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that the total agricultural debt of Bengal is estimated at Rs. 2 crores?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not think, Sir, that the figure is correct.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: If for a settlement of a debt of 2 crores 73 lakhs a sum of 23 lakhs is required as expenditure, will not the total cost exceed 10 crores?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have had occasion to mention in this House that when the Boards start work their progress is naturally slow, but as they go on their work becomes much quicker. The honourable member will find that the disposals have been very much quicker in the second year than what they were in the first year. So, I submit that the conclusion that the honourable member has drawn hardly stands.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Has the Hon'ble Minister prepared a programme as to in how many years this settlement of the agricultural debt will be finished?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Are we then to understand that the Government is following a policy of drift in this matter?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would deny that allegation most strongly. Government are doing their very best to speed up the matter.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Then, why have they not prepared a programme?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Because nothing of the kind has yet been thought necessary.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it a fact that the instructions contained in Government circulars for expediting the disposal of cases have not been strictly followed?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would again remind the honourable member of the answer that I gave him some time back with regard to a question of this very nature when I indicated

that Government have no information so far as this charge is concerned. If anything of that kind has come to the notice of the honourable member, Government expect that this should be brought to their notice, so that an enquiry might be made into it.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state if any enquiry was made into the matter from the District Board authorities?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If specific cases are brought to notice, Government will certainly make an enquiry into them.

Mr. KADER BAKSH: Will the Hon'ble Minister please state for the information of the members of this House the number of circulars issued asking the Boards to expedite these cases?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am afraid, Sir, I must ask for notice.

Mr. KADER BAKSH: Is the Hon'ble Minister aware that in Union No. 10, Parbatipur police-station, district Dinajpur, there has been an unreasonable delay in disposing of cases by the Debt Settlement Boards and no action has yet been taken though a petition was submitted through the officer in charge to the Subdivisional Officer for expediting the matter and also to the President of the Debt Settlement Board?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry, Sir, I do not know of any case of this kind, but as the honourable member has brought a specific case to my notice, I will certainly enquire into the matter.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that this Act is only a five-year Act?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not think so.

The water-hyacinth destruction propaganda.

128. Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(a) when Government first contemplated the idea of launching the water-hyacinth destruction propaganda in this province;

(b) whether Government made any survey or got any estimates of the areas covered by water-hyacinth in the different

districts before the destruction work was taken up; if so, the areas in each district;

(c) the approximate area in each district which could be attacked;

(d) the approximate number of people in each district who responded to the call and took part in the work;

(e) whether the water-hyacinth which was taken out of the water and gathered on the banks were destroyed by fire or otherwise dealt with during the Water-Hyacinth Week or is still lying there;

(f) the total expenditure sanctioned by Government, district by district;

(g) the total expenditure actually incurred in different districts;

(h) the expenditures incurred by different Ministers including their travelling allowance; and

(i) whether Government contemplates a similar propaganda next year?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) In June, 1938.

(b) Local officers were instructed to make an estimate of the area covered by water-hyacinth before commencement of the work. An accurate estimate of the area covered by water-hyacinth throughout the province would have required considerable time and expenditure and was not considered necessary. A rough estimate was made of the *beel* areas covered by water-hyacinth in eight important districts, namely, Bakarganj, Jessore, Bogra, Khulna, Rajshahi, Dacca, Tippera and Mymensingh.

(c) The entire area covered by water-hyacinth was attacked except one or two *beels* where there was waist-deep mire and no boat was available. Such *beels* will be tackled during the rainy season.

(d) It is impossible to give an estimate of the number of people who took part in the campaign in each district. The Water-Hyacinth Week aroused unprecedented enthusiasm everywhere and innumerable people joined the campaign in every district.

(e) It is not necessary to burn the weed for destruction. The weed dies and rots if it is collected and stacked in one place. Most of the water-hyacinth collected and stacked on dry land was destroyed during the Week and the rest afterwards.

(f) The campaign was organised on voluntary lines, small allotments being made to the districts for contingencies and *jalpan* for clearing *beel* areas only. Two statements showing the allotments made for contingencies and *jalpan* are laid on the table.

(*g*) The information is not yet available as statements of expenditure actually incurred have not yet been received from all the districts.

(*h*) A statement is laid on the table.

(*i*) The matter is under consideration.

Statements referred to in the reply to question No. 128.

STATEMENT SHOWING THE ALLOTMENTS FOR CONTINGENCIES OF DISTRICT OFFICERS.

			Rs.
Burdwan	...	...	30
Midnapore	...	...	50
Howrah	...	...	25
Hooghly	...	...	25
Bankura	...	...	25
Birbhum	...	...	25
Malda	...	...	50
Dinajpur	...	...	30
Jalpaiguri	...	...	25
Darjeeling	...	...	—
Rangpur	...	...	100
Bogra	...	...	75
Rajshahi	...	...	100
Pabna	...	...	100
Murshidabad	...	...	75
Nadia	...	...	100
24-Parganas	...	...	100
Jessore	...	...	150
Khulna	...	...	150
Dacca	...	...	175
Mymensingh	...	...	200
Faridpur	...	...	175
Barisal	...	...	150
Chittagong	...	...	30
Tippera	...	...	175
Chittagong Hill Tracts	...	...	—
Noakhali	...	...	50
	Total	...	2,190

STATEMENT SHOWING ALLOTMENTS FOR BIG *beel* AREAS AND FOR CONTRIBUTION ON ACCOUNT OF *jalpan*.

District.	Allotment.
	Rs.
Dinajpur	300
Bogra	200
Pabna	1,500
Rajshahi	2,500
Malda	500
Rangpur	250
Jalpaiguri	200
Mymensing	2,250
Dacca	2,000
Faridpur	2,250
Bakarganj	1,500
Tippera	2,450
24-Parganas	400
Jessore	1,000
Nadia	1,000
Khulna	1,000
Murshidabad	500
Midnapore ...	200
Total ...	20,000

STATEMENT SHOWING THE EXPENDITURE INCURRED BY HON'BLE MINISTERS ON ACCOUNT OF THEIR TOURS IN DIFFERENT DISTRICTS DURING THE WATER-HYACINTH WEEK.

	Names.	Total.	
		Rs.	a.
1.	The Hon'ble Mr. A. K. Fazlul Huq, Chief Minister to the Government of Bengal ...	165	0
2.	The Hon'ble Mr. N. R. Sarker, Minister in charge of Finance Department	208	13
3.	The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of Home Department	200	0
4.	The Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar, Minister in charge of Communications and Works Department	67	0
5.	The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of Commerce and Labour Department ...	260	1
6.	The Hon'ble Mr. M. B. Mullick, Minister in charge of Co-operative Credit and Rural Indebtedness Department	241	8
7.	The Hon'ble Mr. P. D. Raikut, Minister in charge of Forest and Excise Department	235	0
8.	The Hon'ble Mr. Tamizuddin Khan, Minister in charge of Public Health and Medical, Agriculture and Veterinary Departments ...	503	14
9.	The Hon'ble Nawab Habibullah Bahadur, of Dacca, Minister in charge of Local Self-Government and Industries Department ...	154	0
	Total ...	2,035	4

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (*e*), will the Hon'ble Minister please state whether or not it is a fact that expert opinion was given a few years ago to the effect that the water-hyacinth pest cannot be destroyed completely unless it is burnt?

The Hon'ble Mr. TAMIZUDDIN KHAN: That might be the explanation given by some experts, but actual experience shows that it was wrong.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (*h*) and the statement accompanying it, will the Hon'ble Minister please state why there is this great difference in expenditure in the case of the Minister No. 8 in the statement against whom an amount of Rs. 503[illegible] is shown? Was it on account of the tours in connection with the water-hyacinth week?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think the difference is due to two factors. Some Hon'ble Ministers travelled on Requisition while others did not. The difference may again be due to the distance travelled by the different Ministers.

Khan Bahadur ATAUR RAHMAN: Is it a fact that there is no water-hyacinth in the Howrah district?

The Hon'ble Mr. TAMIZUDDIN KHAN: Well, if my honourable friend is anxious to import some there, I have no objection. (Laughter.)

Khan Bahadur ATAUR RAHMAN: Sir, my question was whether there was any water-hyacinth in the district of Howrah. What is the reply to it? Is not there water-hyacinth in the railway side?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have seen it myself also. But his question was why there was no water-hyacinth in the district of Howrah, and I made my reply accordingly. In answer to the second question I may say that there is water-hyacinth in the Howrah district also.

Khan Bahadur ATAUR RAHMAN: Why then steps were not taken to remove it in that district?

The Hon'ble Mr. TAMIZUDDIN KHAN: I say, Sir, that steps were taken.

Khan Bahadur ATAUR RAHMAN: Has the water-hyacinth been removed or is it still alive?

The Hon'ble Mr. TAMIZUDDIN KHAN: A good deal of water-hyacinth has been removed.

Khan Bahadur ATAUR RAHMAN: Is all the expenditure that is shown in the statement incurred on water-hyacinth? Or include travelling allowance of the local officers also?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think not.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (*e*), is the Government's conclusion, namely, that it is not necessary to burn the weed for destruction, based on any expert opinion?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, that is the experience gathered by Government.

Rai KESHAB CHANDRA BANERJEE Bahadur: How may years' experience?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is difficult to say how many years' experience.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I beg to lay on the table the information promised in reply to the question bearing No. 49 to which an *ad interim* reply was given on the 20th February, 1939—

(*a*) Government are informed that no new channels and outlets have been formed by the Ganges (or Padma) and the Bhagirathi rivers in Bengal after the floods of 1938.

(*b*) Only the town of Jiaganj-Azimganj is reported to have suffered appreciable damage from erosion.

Governor's Assent to Government Bills.

Mr. PRESIDENT: Order, order. I may inform the hon'ble members that following Bills passed by both Chambers of the Bengal Legislature have been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935:—

(1) The Calcutta Municipal (Amendment and Validation) Bill, 1939.

(2) The Indian Stamp (Bengal Amendment) Bill, 1939.

(3) The Bengal Excise (Amendment) Bill, 1939.

(4) The Calcutta Police (Amendment) Bill, 1939.

The Secretary will now read the message received from the Bengal Legislative Assembly.

Message from the Assembly.

SECRETARY to the COUNCIL (Mr. K. N. Majumdar): Sir, I have received the following messages from the Secretary to the Bengal Legislative Assembly:—

(1) "With reference to your letter No. 335L.C., dated the 17th March, 1939, and in pursuance of section 80 (*1*) of the Bengal Legislative Assembly Rules and Standing Orders, I am directed to convey the message that the amendments made by the Council to the Bengal Dentists Bill, 1938, have been agreed to by the Bengal Legislative Assembly at its meeting held on the 28th June, 1939."

Sir, I lay the Bill on the table.

(2) "With reference to your letter No. 386L.C., dated the 22nd March, 1939, and in pursuance of Rule 38 of the Bengal Legislative Assembly Rules, I am directed to send herewith the Calcutta and Suburban Police (Amendment) Bill, 1939, and to convey the message that the Assembly at its meeting held on the 28th June, 1939, agreed to the Bill without any amendments."

Sir, I lay the Bill on the table.

Notices of adjournment Motions.

Mr. PRESIDENT: The Chair has received notices of two motions for adjournment of the business of the House. The first one is from Mr. Nur Ahmed which reads as under—

"To move that the Council do adjourn its business to discuss a specific matter of urgent public importance, viz., the failure of the Government of Bengal to secure through proper representation or otherwise the appointment of a non-official influential Bengali as Indian Agent in Burma in view of large interest of the people of Bengal in Burma."

Will the hon'ble member inform the House when this appointment was made and when it was announced in the press?

Mr. NUR AHMED: The appointment has not yet been made. Mr. Henderson went on leave on the 12th of May and after that no appointment has been made. It appears that the Madras Government has made a representation to the Government of India to have a Madrassi as Indian Agent in Burma and my humble submission is that as Bengal has got as much interest in Burma as Madras——

Mr. PRESIDENT: Order, order. The hon'ble member need not speak on the merits of his motion at this stage. I only want to know

when that announcement was made and whether an appointment has been made or is still to be made.

Mr. NUR AHMED: Still to be made, S

Mr. PRESIDENT: Then, how would you establish "the failure of the Government of Bengal through proper representation or otherwise the appointment of a non-official influential Bengali" when no appointment has yet been made.

Mr. HUMAYUN KABIR: May I submit, Sir——

Mr. PRESIDENT: Order, order.

Mr. NUR AHMED: Because I do not find from the Press reports that the Bengal Government has made any representation to the Government of India in this behalf.

Mr. PRESIDENT: That information could have been elicited through a question.

Mr. HUMAYUN KABIR: Sir, I was submitting that that is precisely the reason for an adjournment motion being tabled. Two months have elapsed since the 12th of May last. In spite of two months having elapsed, no appointment has yet been made, and the language of the motion, namely, "the failure of the Government to secure the appointment of a Bengali as Agent" covers this contingency. That is why, Sir, the notice for adjournment has been framed in this particular manner.

Mr. PRESIDENT: Order, order. I hold that this motion is out of order.

The second notice is from Dr. Radha Kumud Mookerji who wants to move "that the Council do adjourn its business to discuss a matter of urgent public importance, viz., the situation created by Government in suddenly stopping the protective works on the river Dharla at Kurigram and preventing the completion of the same even by private individuals at their own expense through the issue of orders by the District Magistrate of Rangpur."

I would like to know when this order of the District Magistrate was issued?

Dr. RADHA KUMUD MOOKERJI: Sir, the material for this adjournment motion has been derived from the United Press report——

Mr. PRESIDENT: Order, order. Please answer my question first. Then you may make your submission, if any. When was the order of the District Magistrate issued?

Dr. RADHA KUMUD MOOKERJI: The date of the order is not known, but the fact of the order being passed has been intimated by the United Press report published in the "Amrita Bazar Patrika", dated the 4th July. As this is the first day we are meeting after the publication of that report, I am raising this matter.

Mr. PRESIDENT: Has Government any objection to this motion?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, certainly we have objection. Firstly, because, the charges made are not definite inasmuch as no mention has been made as to when the order was issued by the Collector, and under what section; who gave the notice and which Magistrate; whether it was the District Magistrate or the Subdivisional Officer. Also, Sir, the hon'ble mover wants to base his motion merely on newspaper reports. I think, Sir, if he wants to move the motion, he should take full responsibility for the statement of facts that he might make in this connection.

Secondly, if the hon'ble member wants to refer to the question of the policy of Government in stopping the protection works at Kurigram, certainly, that is a matter not of recent occurrence. Government passed that order a couple of months ago——

Mr. PRESIDENT: That is not his point. The hon'ble mover has definitely said that it was an order of the District Magistrate. As regards other details, I think it is as much the duty of the Government to ascertain the facts as of the hon'ble member. However, as objection has been raised, I would like the hon'ble members who support the motion to rise in their places.

(Members rose in their seats and a count was taken.)

Mr. PRESIDENT: As not less than 13 members have supported this motion, it is taken that the hon'ble member has leave of the House. As a matter of fact, I find there is no other business before the House to-day. If the House is willing to sit for two hours more, then alone we can take it up now.

Dr. RADHA KUMUD MOOKERJI: Sir, I suggest that it may be taken up just now. I won't take much time over it.

Mr. PRESIDENT: It does not rest with you alone. There are other members. Has the Government any objection to take up the matter just now?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: No, Sir, if the leaders of other groups agree to sit late, Government have no objection.

Mr. PRESIDENT: Mr. Hunter, will it be convenient to the hon'ble members of the European Group to sit for 20 minutes more after 10 a.m., in case it is necessary? It may not be necessary, if there is a closure and the Chair is agreeable to accept a closure.

Mr. H. C. A. HUNTER: My group have no objection.

Mr. RANAJIT PAL CHOUDHURY: May I submit, Sir, that immediately after this sitting there is a sitting of the Privilege Committee?

Mr. PRESIDENT: Privilege Committee ordinarily meets after the ordinary hours, that is, after 10 a.m.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I want to give notice of my intention to move some amendments to the draft rules of procedure for the conduct of business of the Bengal Legislative Council under section 84 (*1*) of the Government of India Act to be taken into consideration on the 11th July, 1939. Shall I read out the whole thing?

Mr. PRESIDENT: No, it is not necessary to read it.

Mr. HUMAYUN KABIR: Sir, on a point of order. What is the decision about taking up the adjournment motion? Before that is finished, the Hon'ble Minister cannot——

Mr. PRESIDENT: I have decided that the House will now take up the adjournment motion.

Adjournment Motion.

Dr. RADHA KUMUD MOOKERJI: Sir, I rise to convey to the headquarters of Government, to the ears of the authorities concerned, the helpless cry for immediate relief from the distant countryside, from the people of the subdivision of Kurigram in the district of Rangpur. It will appear that this subdivision which is practically a historic subdivision and has a record of administrative work for the last 70 years, this subdivision is being threatened with ruin by the whimsical behaviour of its river called Dharla which has started eating

into the town. The situation became so full of risk that the Irrigation Department of the Government thought of a plan by which the town could be saved. The experts of the Irrigation Department resolved upon a plan of spending about Rs. 85,000 in the shape of protective works by which the river could be trained to better behaviour. Of the sanctioned sum of Rs. 85,000, Government have already spent Rs. 48,000 and after the work had attained to this stage, it was found out by Government that only a further sum of Rs. 7,000 was needed to complete the full scheme of protective works.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: What was the budget allotment?

Dr. RADHA KUMUD MOOKERJI: The budget allotment I am told was about Rs. 85,000. But what I said just now is this that the Government themselves found out that the allotment far exceeded the requirements of the case, and when Rs. 48,000 were spent, they themselves found that only a balance of Rs. 7,000, if spent, would be sufficient to complete the scheme of protective work.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Who found that out?

Dr. RADHA KUMUD MOOKERJI: I have been briefed by the people of Kurigram and I am speaking according to the facts and figures supplied by the leading citizens of that place. Of course, I shall be very glad to be corrected by the Minister in charge if my statement of facts is incorrect in some particulars. But for the present, I make this statement that the Government estimate for the protective work at Kurigram was Rs. 85,000 out of which they spent Rs. 48,000 and the Government themselves found out afterwards that only a paltry sum of Rs. 7,000 will be needed to complete the work so that although the estimate was at a higher figure, the actual expenditure would fall below that figure. Now, suddenly however before the protective work were completed according to the plan, the Government stopped further work on the spot without giving reasons which might appeal to the public of Kurigram. Representations and appeals to the Government were sent duly by the various public associations of both Hindus and Muslims. The people of Kurigram, driven to despair, took recourse to what could be done by private enterprise and the resources of private philanthropy. In this matter the credit of leadership goes to Khan Bahadur Khaimuddin Chowdhury for an exhibition of rare civic spirit and patriotism. The Khan Bahadur took upon himself the task of protecting the town at his own cost. His work consisted in diving deep huge *shal* logs and bamboo pilings and sinking big country boats

loaded with sand-bags along the bank of the whole river which was responsible for this erosion, in order to stop the fury of the current and also the damage caused by erosion. Sir, the questions that are of interest to the public and to the Council will be these. Is it a fact that the Government has already spent Rs. 48,000 on this protective scheme? My second question is, is it a fact that the Government themselves estimate that only a further sum of Rs. 7,000 will be needed to complete the full scheme of protection framed by Government's irrigation experts?

My third point is this: no satisfactory reasons were given by Government to explain why this unfinished and uncompleted work should not be carried to completion,—whether Government were right in preventing even private action in the matter which has been taken in self-defence,—whether Government is justified in stopping private enterprise and the application of private enterprise in the matter of self-protection of the town itself. My fourth point would be that the Government themselves stand to gain from all these kinds of private enterprise. Sir, I understand that even the protective work that has already been carried out by private enterprise has been sufficient to keep Government's own courts in the subdivision safe for this season. Therefore, I think that the Government owe it to the public and to the Legislature to explain why they spent Rs. 48,000 and are refraining from taking the consequences of this preliminary expenditure. Why should the whole sum of Rs. 48,000 be thrown away absolutely because the Government think that they need not prosecute the scheme any further? Whether there has been any mistake in the opinion of the expert on the subject and whether Government's opinion is that it is no longer profitable or necessary to carry this protective work to completion and therefore no further money should be spent on a scheme of protection which is found by them to be no protection at all and whether they have discovered too late that the sum already spent should be regarded as waste of public funds?

I have absolutely no desire to create or to give rise to any kind of acrimonious controversy or debate on the subject. It is a very plain fact, affecting very seriously the welfare of this distant town of Kurigram, which is an important subdivision in the district of Rangpur. My further information is that private action has been stopped by an executive order issued by the District Magistrate of Rangpur, who is an I.C.S. gentleman. Of course, I speak subject to correction, because I am not any one in the Government to be in possession of the full facts of the case, but I believe in the story that has been related to me and therefore I have great pleasure in taking up the brief on behalf of the wailing countryside when their voice fails to reach the urban headquarters and when the ears of the Ministers are sealed against this cry for relief of the part of the public.

Mr. PRESIDENT: The question before the House is: that the Council do adjourn its business to discuss a matter of urgent public importance, viz., the situation created by Government in suddenly stopping the protective works on the river Dharla at Kurigram and preventing completion of the same even by private individuals at their own expense through the issue of orders by the District Magistrate of Rangpur.

I think it will facilitate discussion of this matter if the Minister in charge of the Irrigation Department would explain the position of Government at this stage.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I may state in brief the position of Government in this matter. I am sorry to find that the hon'ble mover is not conversant with full facts of the case he has undertaken to sponsor. If he has been briefed by the people of Kurigram, it seems to have been done through newspapers, as all his facts are based on newspaper report. The reason why Government have had to stop the protective work which was undertaken is this. During the floods of the last year there was an unusually heavy erosion upon this town. As you know, Sir, the flood was of an unprecedented character and the erosion in Kurigram also broke previous records. As a result, some Government buildings had to be dismantled. The problem of erosion is not confined to any particular district and there are not only towns but there are very many villages which are being eroded every year owing to the wayward action of particular rivers. So, it is not possible for Government to undertake protective works everywhere. Government, therefore, decided that they would undertake protective works only in those places where there was Government property of some value. Sir, it is with that end in view that Government undertook this protective work as there were valuable Government buildings and lands there. Now, the valuation of the Government properties was much reduced owing to some of the buildings having to be demolished, and so Government had no other alternative but to come to the decision to abandon the scheme.

Secondly, this kind of protective work which was intended to be undertaken here has never been sufficiently tested in connection with Bengal rivers, and our Chief Engineer who is the adviser of Government in this matter was never very much enthusiastic over the scheme. But we wanted to do something for the protection of the town. After last year's flood, however, we thought it futile to spend any large sum of money to save this town. Provision was made for a brick-mattress for a length of about 1,000 feet. It transpired later that the length provided would not be sufficient and that Government would have to spend much more than the money already spent in future. It

has been said, Sir, that a sum of Rs. 48,000 has already been spent. While it is difficult to contradict the mover, before the accounts are adjusted, I do not think that we have spent as much as that. And I do not think that it is a fact that by spending only Rs. 7,000 more over Rs. 48,000 we could complete a scheme which was estimated to cost Rs. 85,000. As I had occasion to state elsewhere, Government or the department concerned certainly would have no objection to any private individual undertaking minor protective works. Unfortunately, we are not so far posted with the full facts of the case, and we do not know what the order was and who issued the order;—whether it was the District Magistrate of Rangpur or the Subdivisional Officer of Kurigram; and also what is the nature of the order. The Embankment Act is not in operation in that area and so I take it that no order could have been issued in pursuance of that Act and I do not know if the order has been issued under Section 144 or for the prevention of a breach of the peace. Immediately on receiving notice of this motion yesterday, I sent a wire to the Collector to let us know the facts of the case. So far, however we have not received any reply. No complaint was lodged by anybody. There is a Town Protection Committee there and we have received no protest from that Committee also. As regards the gentleman whose name has been mentioned by the hon'ble mover, I do not think he has undertaken any protective work on behalf of the town. What he has done, so far as I understand from non-official reports, is that he is trying to protect his own house. When Government decided upon an expenditure of Rs. 85,000, I am constrained to say that we got very little response from the people of the locality. They contributed only Rs. 500 for a protective work which was estimated to cost as much as Rs. 85,000. Then again, the District Board which is expected to be interested in a district problem of this nature promised to pay only Rs. 2,000. Whatever may have been the nature of the alleged magisterial order, it is very difficult to say if he was right or wrong without knowing the full facts. It may be that the Subdivisional Officer issued the order for stopping this particular protective work, as it might have damaged other properties. I hope it will be borne in mind that in any protective work or scheme, you have got to be very careful not to jeopardise other's interests.

Mr. PRESIDENT: Order, order. I find that the difficulty of Government is that they are not in possession of full facts of the case. Had this been made clear to me in the beginning, I should not have allowed this motion to be taken up and would have waived the question of urgency and fixed the matter for discussion on some other day. It is no use going on with the matter further when the Government is not prepared.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, I had almost finished and I would only conclude by appealing to the House not to press the motion. I have already stated that Government have no objection to local people undertaking minor works to protect their personal property and if anybody acted contrary to that policy, Government will certainly intervene and set things right. I hope, Sir, that in view of this assurance the hon'ble mover will not press his motion.

Dr. RADHA KUMUD MOOKERJI: I should think, Sir, that the question raised in my motion has not been satisfactorily answered and it will be better if some other date could be given to discuss this adjournment motion when Government will be fully prepared with the facts of the case.

Mr. PRESIDENT: An adjournment motion is for adjourning the business of the House fixed for the day. But I do not know of any procedure by which the postponement asked for can be made. As a matter of fact, had I known that Government were not quite prepared, I would not have taken up this motion to-day. I should have been glad to accede to Dr. Mookerji's request but there is this difficulty about the procedure to be adopted in doing so.

Dr. RADHA KUMUD MOOKERJI: May I submit, Sir, that your decision was tentative. You wanted to hear both sides of the case to find out whether the debate could go on profitably, and since now it is revealed that the Government are not at all prepared in spite of the fact that in another place an identical adjournment motion was taken up, I should think, Sir, that you can come to your final decision that the adjournment motion may be taken up at some other time having regard to the fact that the matter dealt with in the motion is of great public importance.

Mr. PRESIDENT: As I have said, under the rules, I have no discretionary power to adjourn this debate. But I think the Hon'ble Minister made it clear that since the notice of the adjournment motion was received, they have been taking all necessary steps to make enquiries from the locality. Of course, if the mover presses for it, the Chair will have no option but to continue the debate.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, may I repeat what I have said just now? If the hon'ble mover is anxious that something should be done to stop the order which is alleged to have been issued by the Collector, I think after the assurance which I have given just now, he can have no grievance.

Dr. RADHA KUMUD MOOKERJI: Sir, my first point is that the fundamental position has not been satisfactorily explained. As representatives of the public, I should say that the Government must explain why Rs. 50,000 have been thrown away on a scheme which later on the Government thought should not be prosecuted further. And my second point is whether the Government will be prepared to make the best of a bad case by completing the protective work within the limits already sanctioned in the budget. What is the use of throwing away the benefits of an expenditure of such a large sum of money as Rs.——

Mr. PRESIDENT: Order, order. The hon'ble member cannot make a second speech. If he wants to persist, certainly the debate on his motion will continue.

Dr. RADHA KUMUD MOOKERJI: Sir, I am not at all persisting. I want the Minister to answer my points.

Mr. PRESIDENT: The Hon'ble Minister has given an assurance that they are making an enquiry into the matter and he has also explained the general principle that the Government will have no objection to individual members in the locality taking up minor repairs, provided they do not go against the general principle of the Government. After this, do you like to withdraw your motion?

Dr. RADHA KUMUD MOOKERJI: I shall only withdraw if the Government give straight answers as to who will be held responsible for the huge waste of public money to the extent of Rs. 48,000 if the scheme is not proceeded with?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Providence, Sir.

Dr. RADHA KUMUD MOOKERJI: Sir, I should think that the department concerned must be punished for this utter waste of public money. Why did they embark upon a scheme without fore-thought?

Mr. PRESIDENT: Why do you ask that question again? It has been answered. I see you are not satisfied. You want the debate to continue.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the motion of my friend. The motion is to adjourn the House for the purpose of discussing the matter. I should support the motion for adjournment but for a different purpose altogether, namely, to quietly go home. So, I think the House should adjourn after disposing of this adjournment motion immediately. I, therefore, move that the question be now put.

Mr. PRESIDENT: I cannot accept closure at this stage, because there has been only one speech on either side. I shall accept closure after a few more speeches.

Hon'ble Members: Nobody wants to speak, Sir.

Mr. PRESIDENT: I find that nobody is willing to speak on this motion.

The question before the House is that the House do now adjourn.

(The motion was negatived.)

Mr. PRESIDENT: The House now stands adjourned till 8 a.m. on Tuesday, the 11th July.

Adjournment.

The Council then adjourned till 8 a.m. on Tuesday, the 11th July, 1939.

Members absent.

The following members were absent from the meeting held on the 7th July, 1939:—

(1) Mr. Narendra Chandra Datta.
(2) Mr. Kamini Kumar Dutta.
(3) Alhadj Khwaja Muhammad Esmail.
(4) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(5) Khan Bahadur Muhammad Asaf Khan.
(6) Rai Bahadur Satis Chandra Mukherji.
(7) Mr. H. P. Poddar.
(8) Mr. J. B. Ross.
(9) Mr. W. F. Scott-Kerr.
(10) Rai Sahib Jatindra Mohan Sen.
(11) Rai Bahadur Surendra Narayan Sinha.

B. G. Press—1939-40—5318A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 11th July, 1939, at 8 a.m., being the twenty-eighth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Leper Colony in Midnapore.

129. Rai MANMATHA NATH BOSE Bahadur: (a) Is the Hon'ble Minister in charge of the Public Health and Medical Department aware that following a resolution of 1919, the Surgeon-General of Bengal was asked to formulate, in consultation with the authorities of the Mission to Lepers, a definite scheme for the establishment of leper colonies in Bengal, and is he aware that in pursuance of the same, a scheme was actually prepared for a leper colony in Salbani police-station of Midnapore district? Is he further aware that the authorities of the Mission to Lepers raised Rs. 52,500 from public subscriptions and placed the amount at the hands of the Government for a leper home?

(b) Is the Hon'ble Minister aware that with that money about 740 acres of land were acquired by Government in Salbani police-station near Chandrakona railway station, in the district of Midnapore, in 1921 and that a tube-well was sunk there in 1929 by the Public Health Department at a cost of Rs. 8,900 for yielding 4,800 gallons of water per hour with the intention of starting a colony on the said land for 1,000 lepers?

(c) Is the Hon'ble Minister aware that another scheme was drawn up by the Government for keeping 250 lepers there which would involve a recurring annual cost of Rs. 44,796 and a non-recurring cost of Rs. 4½ lakhs and that this scheme afterwards had to be abandoned?

(d) Is it a fact that the District Board of Midnapore made a survey of leprosy case in several thanas at a considerable cost in 1931 with the help of the British Empire Leprosy Association and that the said survey disclosed that 708 families out of 5,600 families in thana Salbani alone were infected and by a further survey in several other thanas of the district, the Board ascertained the number of lepers to be 30,000 in the district with an incidence of 1·15 per cent. of the

population of the district and that according to the Director of Public Health, the district of Midnapore is one of the most affected districts in Bengal?

(e) Is it a fact that the District Board of Midnapore has since opened 4 leper clinics in thana Salbani, 5 in thana Binapore, 4 in thana Garbeta, 1 in thana Panchkura, 2 in thana Jhargram, 2 in thana Gopiballavpore, and 1 in thana Tamluk?

(f) Is the Hon'ble Minister aware that the District Board of Midnapore approached the Government in 1937 for a free gift of a portion of the 740 acres of land mentioned above and a small recurring grant of Rs. 7,000 only for a district leper home pending the establishment of a provincial leper home by Government?

(g) Is it a fact that the Midnapore District Board drew a scheme for a colony of 1,000 lepers at a capital cost of Rs. 52,500 and a recurring cost of Rs. 14,000 only and that the said district board provided for the entire capital cost and half the recurring cost in their budget of 1937-38 and that the Director of Public Health strongly recommended the said scheme of the Midnapore District Board?

(h) Will the Hon'ble Minister be pleased to state what action the Government has taken on the representation of the Midnapore District Board since 1937 and whether the Government desires to expedite the disposal of the case in view of its urgency?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a), (b), (c), (d) and (f) Yes.

(e) and (g) The information has been asked for from the District Magistrate, but his report has not yet been received.

(h) The matter is still under my consideration. Every effort is being made to expedite a decision.

Rai MANMATHA NATH BOSE Bahadur: Sir, arising out of answer (h), may I enquire by what time approximately the decision is likely to be arrived at?

The Hon'ble Mr. TAMIZUDDIN KHAN: I hope within a very short time.

Short notice question.

Mr. PRESIDENT: There is a short notice question tabled by Rai Surendra Narayan Sinha Bahadur.

Rai BROJENDRA MOHAN MAITRA Bahadur: May I put the question, Sir, as the Rai Bahadur is absent?

Mr. PRESIDENT: Yes. But I think you should read out the question as it has not been circulated to the hon'ble members.

Rai BROJENDRA MOHAN MAITRA Bahadur: All right, Sir.

(*a*) Is the Hon'ble Minister in charge of the Education Department aware that the Calcutta University has published this year provisional results of the Matriculation and the B.Sc. and B.A. Examinations of the University for which they are charging four annas for each copy?

(*b*) Has the permission of the Government been obtained for the levy of such charges on students?

(*c*) Will such sales affect the revenue of the Local Government from the sale of the *Calcutta Gazette*?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) The permission of Government is not required to be taken.

(*c*) The revenue from the sale of the *Calcutta Gazette* has not been affected materially this year.

Assent of His Excellency the Governor to the Bengal Finance Bill, 1939.

Mr. PRESIDENT: Order, order. I may inform the hon'ble members that the Bengal Finance Bill, 1939, as passed by both Chambers of the Bengal Legislature, has been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935.

The Secretary will now read the message received from the Bengal Legislative Assembly.

Message received from the Bengal Legislative Assembly.

The SECRETARY to the COUNCIL: Sir, I have received the following message from the Secretary to the Bengal Legislative Assembly:—

"With reference to your letter No. 807L.C., dated the 28th June, 1939, and in pursuance of sub-rule (*2*) of Rule 31 of the Bengal Legislative Assembly Rules, I am directed to convey the message that the Bengal Legislative Assembly at its meeting held on the 10th July, 1939, has not agreed to the amendment made by the Council in clause 3 of the Calcutta Municipal (Amendment) Bill, 1939, viz., that in sub-clause (*2*) of clause 3 of the Bill, in the proposed clause (*b*), for

the word "eight" in line 1, the word "four" be substituted, and all the words beginning with "of whom" in line 2, and ending with "shall be appointed" in lines 3 and 4, be omitted.

2: I am further directed to convey the message that at the same meeting the Assembly agreed to the amendment made by the Council in clause 5 of the Bill, viz., that in sub-clause (*a*), the proposed paragraphs (*i*) to (*iii*) be enclosed within inverted commas."

Sir, I lay a copy of the Bill on the table.

Notice about the Calcutta Municipal (Amendment) Bill, 1939, as returned by the Assembly.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to give notice that during the present session of the Council I shall move:—

(*1*) that the amendment made by the Legislative Assembly to the Calcutta Municipal (Amendment) Bill be taken into consideration; and

(*2*) that the amendment made by the Legislative Assembly to the Calcutta Municipal (Amendment) Bill be agreed to by the Council.

Mr. PRESIDENT: When do you like it to be taken up?

The Hon'ble Mr. H. S. SUHRAWARDY: I would request you to allot a date for its discussion as early as possible under the circumstances of the case.

Mr. PRESIDENT: The Bill was thoroughly discussed in this House for several days. If there is no objection from any section of the House, I would like that the matter be taken up as early as possible. (After a pause.) I find that there is no objection. So, I fix to-morrow as the date when this matter should be taken up. If the Rules Committee's Report is finished by to-morrow, I will take up this matter after that.

Draft Rules of the Council for Conduct of its Business.

The House will now take into consideration the rules of procedure as drafted by the Rules Committee. Notice to this effect had been given by the Hon'ble Mr. Nalini Ranjan Sarker, but I find he has also given notice of amendments himself. So, I would ask the Deputy President, who was the Chairman of the Committee, to move that the Draft Rules may be taken into consideration

Mr. DEPUTY PRESIDENT (Mr. Hamdul Huq Chowdhury): Sir, I beg to move that the Draft Rules of Procedure for the Conduct of Business of the Bengal Legislative Council under section 84(*1*) of the Government of India Act, 1935, as presented by the Committee appointed by the Council, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the the Draft Rules of Procedure for the Conduct of Business of the Bengal Legislative Council under section 84 (*1*) of the Government of India Act, 1935, as presented by the Committee appointed by the Council, be taken into consideration.

Mr. PRESIDENT: The question before the House is that the Draft Rules of Procedure for the Conduct of Business of the Bengal Legislative Council under section 84 (*1*) of the Government of India Act, 1935, as presented by the Committee appointed by the Council, be taken into consideration.

(The motion was agreed to.)

Rule 1.

Mr. PRESIDENT: Rule 1 stand part of the Rules.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in rule 1, in the definitions of "Committee of the whole Chamber", for the word "Committee" wherever it occurs, the word "committee" be substituted; and for the words "by motion" the words "by a motion" be substituted.

This is a purely consequential amendment, Sir.

Mr. PRESIDENT: Amendment moved: that in rule 1, in the definitions of "Committee of the whole Chamber," for the word "Committee" wherever it occurs, the word "committee" be substituted; and for the words "by motion," the words "by a motion" be substituted.

The Hon'ble Mr. NALINI RANJAN SARKER: I do not object to it, Sir.

Mr. PRESIDENT: The question before the House is that in rule 1, in the definitions of "Committee of the whole Chamber", for the words "Committee" wherever it occurs, the word "committee" be substituted; and for the words "by motion" the words "by a motion" be substituted.

(The amendment was agreed to.)

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that in rule 1, in the definition of "select committee," for the words "or take evidence upon" appearing in lines 2 and 3, the words "after taking, if necessary, evidence upon" be substituted.

Sir, the definition as it stands in the draft rules under consideration is that the select committee is to consider or to take evidence. The alternative of the select committee is either to submit their report on consideration of a matter or after taking evidence in the matter. But I think, Sir, that these two powers should be concurrent, otherwise the committee will be entitled only to report and not to take evidence. That is why I propose to remove these objections by saying that every select committee should be entitled to report on the point at issue after taking evidence, if necessary.

Mr. PRESIDENT: Amendment moved: that in rule 1, in the definition of "select committee," for the words "or take evidence upon" appearing in lines 2 and 3, the words "after taking, if necessary, evidence upon," be substituted.

Mr. DEPUTY PRESIDENT (Mr. Hamidul Huq Chowdhury): I think, Sir, the words are clear. They only give additional powers to the select committee to take evidence. The Rai Bahadur wants that the select committee should be empowered to take evidence, but that is provided for in the general substantive portion where select committees are dealt with. Here, it is merely said that the committee may be appointed only to take evidence. Therefore, the definition as it stands should be passed.

Rai SURENDRA NARAYAN SINHA Bahadur: In view of the statement made by the Deputy President, I would ask the leave of the Council to withdraw my motion.

The amendment of Rai Surendra Narayan Sinha Bahadur was then by leave of the House withdrawn.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that in rule 1, the following be inserted, namely:—

> " 'Minister' means a member of the Council of Ministers and includes any member to whom such Minister may delegate any function assigned to him under the Rules."

Mr. PRESIDENT: Amendment moved: that in rule 1, the following be inserted, namely:—

> " 'Minister' means a member of the Council of Ministers and includes any member to whom such Minister may delegate any function assigned to him under the Rules."

Mr. DEPUTY PRESIDENT (Mr. Hamidul Huq Chowdhury): I am prepared to accept the amendment, as it was agreed to at a conference of the leaders of different groups.

Mr. SHRISH CHANDRA CHAKRAVERTI: I do not think, Sir, that it was agreed to at the conference. I do not understand the statement made by the Deputy President. May I enquire through you, Sir, when and where the agreement took place as stated by the Deputy President?

Mr. DEPUTY PRESIDENT: Sir, if I might state what happened outside——

Mr. PRESIDENT: You need not refer to what happened outside this Chamber. As a matter of fact, the parliamentary convention is to treat even select committee proceedings as confidential.

Mr. LALIT CHANDRA DAS: On a point of information, Sir. May I enquire from the Finance Minister what he means by "and includes any member to whom such Minister may delegate any function etc."? Whether this "any member" means any member of the Council of Ministers?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, Sir, that is so.

Mr. PRESIDENT: It does not mean any member of the Council of Ministers necessarily. It means any member of this Council.

Khan Bahadur ATAUR RAHMAN: Sir, if this amendment is accepted, then the Ministers will not at all attend the Council sittings. They will simply leave it to some members of the House to carry on their work. So, I think the amendment cannot be accepted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, the Ministers——

Mr. PRESIDENT: I am sorry, in the case of an amendment there is no right of reply.

The question before the House is that in rule 1, the following be inserted, namely:—

> " 'Minister' means a member of the Council of Ministers and includes any member to whom such Minister may delegate any function assigned to him under the Rules."

The amendment was put to vote and a division taken with the following result:—

AYES—22.

Ahmad, I.
Ahmed, Mr. Nur.
Bose, Rai Bahadur Manmatha Nath.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Khan Bahadur Rozzaqui Haider.
Cohen, Mr. D. J.
Hossain, Mr. Mohammed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Khan, Khan Bahadur Muhammad Asaf.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Ormond, Mr. E. C.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ross, Mr. J. B.
Roy Chowdhury, Mr. Krishna Chandra.
Scott-Kerr, Mr. W. F.
Singh Roy, Mr. Salleswar.
Sinha, Rai Bahadur Surendra Narayan.

NOES—13.

Chakraverti, Mr. Shrish Chandra.
Das, Mr. Lalit Chandra.
D'Rozario, Mrs. K.
Dutta, Mr. Kamini Kumar.
Hosain, Khan Bahadur Saiyed Muazzamuddin.
Karim, Khan Bahadur M. Abdul.
Maitra, Rai Bahadur Brojendra Mohan.
Momin, Begum Hamida.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Rahman, Khan Bahadur Ataur.
Roy, Mr. Amulya Dhan.
Sanyal, Mr. Sachindra Narayan.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is that rule 1, as amended, stand part of the Rules.

(The motion was agreed to.)

Rule 2.

Mr. PRESIDENT: Rule 2 stand part of the Rules.

Mr. NARESH NATH MOOKERJEE: I beg to move that in rule 2 (*a*), after the word "published" in line 1, the words "ordinarily not less than a month before the first day of a session" be inserted.

Mr. PRESIDENT: Amendment moved: that in rule 2 (*a*), after the word "published" in line 1, the words "ordinarily not less than a month before the first day of a session", be inserted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, section 62 (*2*) (*a*) of the Government of India Act, 1935, confers power on the Governor in his discretion to summon this Chamber. But the proposed amendment has the effect of forcing the Governor to cause his orders

summoning the Council to be published about a month before the commencement of the session. This amounts to an interference in a matter in which the Governor exercises his individual judgment and discretion.

Mr. PRESIDENT: In view of the fact that there is the word "ordinarily," I think that objection is not vital. Otherwise, I would have ruled it out of order. The words "Ordinarily not less than a month," leave the discretion to the Governor. However, it is for the House to decide.

Mr. RANAJIT PAL CHOUDHURY: Sir, I just want to mention a few words in support of this motion and that is that unless we get a month's notice, many members will be debarred from giving notices of resolutions, which need three weeks' time. So, I beg to support the amendment.

Mr. PRESIDENT: The question before the House is that in rule 2 (*a*), after the word "published" in line 1, the words "ordinarily not less than a month before the first day of a session" be inserted.

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that rule 2 stand part of the Rules.

(The motion was agreed to.)

Rule

Mr. PRESIDENT: Rule 3 stand part of the Rules.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg to move that in sub-rule (*1*) of rule 3, for the figure "4" appearing in line 2, the figures "2-15" be substituted.

Sir, that is the usual time when the Council sits. Hence this amendment.

Mr. PRESIDENT: Amendment moved: that in sub-rule (*1*), of rule 3, for the figure "4" appearing in line 2, the figures "2-15" be substituted—

Mr. DEPUTY PRESIDENT (Mr. Hamidul Huq Chowdhury): Sir, this rule says, "whilst in session, the Council shall, unless the President appoints another hour, meet at 4 p.m." The idea is that the usual hour of the sittings of the Council should be 4 o'clock and unless it is

inconvenient to meet at 4 o'clock, it will sit at 4 o'clock. Therefore, for the contingency when there may not be any Chamber available for the House to meet in, this clause has provided "unless the President appoints another hour." The rules contemplate that the House should insist upon sitting generally at 4 o'clock, which is another way of emphasising that the Council should be provided with a separate Chamber. Therefore, keeping that point in view and also providing for contingencies so long as there may be one Chamber in which both the Houses are to sit, the President has been given power to alter that hour. I submit, Sir, 4 p.m. has been purposely kept there.

Mr. PRESIDENT: The question before the House is that in sub-rule (*1*) of rule 3, for the figure "4" appearing in line 2, the figures "2-15" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that rule 3 stand part of the Rules.

(The motion was agreed to.)

Rule 4.

Mr. PRESIDENT: Rule 4 stand part of the Rules.

Rai MANMATHA NATH BOSE Bahadur: Sir, I beg to move that in sub-rule (*3*) of rule 4, before the words "The person presiding" in line 1, the words "On the date fixed for election, the Deputy President or" be inserted, and after the word "presiding," the words "as the case may be" be inserted.

Sir, my object in moving this amendment is this. I see that in sub-rule 3, there is simply the expression "the person presiding"; but in case, as we have to-day, we shall first of all mention the "Deputy President" and in his absence the "person presiding." So, I have suggested this amendment, Sir.

Mr. PRESIDENT: Amendment moved: that in sub-rule (*3*) of rule 4, before the words "The person presiding" in line 1, the words "On the date fixed for election, the Deputy President or" be inserted, and after the word "presiding," the words "as the case may be" be inserted.

Mr. PRESIDENT: The question before the House is that in sub-rule (*3*) of rule 4, before the words "The person presiding" in line 1

the words "On the date fixed for election, the Deputy President or" be inserted, and after the word "presiding," the words "as the case may be" be inserted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that rule 4 stand part of the Rules.

(The motion was agreed to.)

Rule 5.

Mr. PRESIDENT: Rule 5 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 5 stand part of the Rules.

(The motion was agreed to.)

Rule 6.

Mr. PRESIDENT: Rule 6 stand part of the Rules.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in rule 6, the following be added at the end, namely:—

"and in the absence of any such request, the members of the panel shall be entitled to preside in the order in which they are named in the panel, and if they decline to preside or are absent, the Council shall elect a member as Chairman to preside during the absence of the President or the Deputy President and may elect or agree to a temporary Chairman to preside during such election."

Sir, I have suggested this amendment to fill up a gap. In case, by an accident both the President and the Deputy President are absent from the House, we might not proceed with the business of the Council, because under these draft Rules the Panel of Chairmen can only function by a request from the President or in his absence from the Deputy President. In the circumstances, there should be some rule to meet such an emergency. It is to supply that gap that I have suggested this amendment.

Mr. PRESIDENT: Amendment moved: that in rule 6, the following be added at the end, namely:—

"and in the absence of any such request, the members of the panel shall be entitled to preside in the order in which they are

named in the panel, and if they decline to preside or are absent, the Council shall elect a member as Chairman to preside during the absence of the President or the Deputy President and may elect or agree to a temporary Chairman to preside during such election."

The Hon'ble Mr. NALINI RANJAN SARKER: Amendments 20 and 21 seem to have the same object in view and they may be discussed together.

Mr. PRESIDENT: No; amendment No. 21 speaks about the Secretary, and therefore it deals with a different matter. I find there is a confusion in the minds of the Hon'ble Minister about this amendment, but Khan Bahadur Naziruddin Ahmad has made the position absolutely clear. The Rules Committee thought that even if this particular rule was not made exhaustive, there would not be any difficulty, but this amendment attempts to make the matter absolutely exhaustive thereby providing for any emergency or exigency which might arise when the members on the Panel of Chairmen decline to preside or are absent.

The question before the House is that in rule 6, the following be added at the end, namely:—

"and in the absence of any such request, the members of the panel shall be entitled to preside in the order in which they are named in the panel, and if they decline to preside or are absent, the Council shall elect a member as Chairman to preside during the absence of the President or the Deputy President and may elect or agree to a temporary Chairman to preside during such election."

(The amendment was agreed to.)

The question before the House is that rule 6, as amended, stand part of the Rules.

(The motion was agreed to.)

Rule 7.

Mr. PRESIDENT: Rule 7 stand part of the Rules.

Rai SURENDRA NARAYAN SINHA Bahadur: I beg to move that at the end of sub-rule (*8*) of rule 7, the words "who shall thereupon declare the seat vacant," be added.

Sir, I want the Council to pass this amendment as otherwise the power of this Council would be illusory. There is no provision in the

Government of India Act, 1935, that the Governor will have power to act in his discretion upon the receipt of any report from the Council. Therefore, I move this amendment.

Mr. E. C. ORMOND: On a point of order, Sir. Do you, Sir, consider that it is within our power to pass a mandatory direction upon His Excellency as the word "shall" will imply? If the word were "may" instead of "shall," then I would have no objection.

Mr. PRESIDENT: I think the point is well taken. If the amendment is accepted, it will read like this: "If such motion is carried, the Secretary shall intimate the fact to the Governor, who shall thereupon declare the seat vacant." This 'shall' makes all the mischief; so, I declare the motion out of order.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg to move that in sub-rule (*8*) of rule 7, after the word "Governor," the words "and to the member" be added.

Sir, whenever a vacancy occurs, it is also desirable that it should be communicated to the member concerned; hence my amendment.

Mr. PRESIDENT: Amendment moved: that in sub-rule (*8*) of rule 7, after the word "Governor," the words "and to the member" be added.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, there is one technical objection to this amendment. After the decision of the Council, the member ceases to be a member. So, notice to a member who is no longer a member will be meaningless.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I say something? I think, Sir, this notification about a member's seat being vacant will be published in the *Calcutta Gazette*, and if you have a rule to the effect that the member should be notified, a difficulty might arise in that he can take up the defence that he has not got that information. So, I do not think there is any advantage in having this amendment. Moreover, publication of the information in the Gazette will give this information to the member concerned.

Mr. PRESIDENT: The question before the House is that in sub-rule (*8*) of rule 7, after the word "Governor" the words "and to the member" be added.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that rule 7 stand part of the Rules.

(The motion was agreed to.)

Rule 8.

Mr. PRESIDENT: Rule 8 stand part of the Rules.

Mr. NARESH NATH MOOKERJEE: Sir, I beg to move that in rule 8, after the word "members," the words "and other persons who have a right to sit in the House" be inserted.

Sir, it is merely a formal amendment in the sense that as we have a rule providing for the sitting of the members of this House, I think the President should also have some control over those who are visitors and sit in the gallery. I hope Government will have no objection to accept the amendment.

Mr. PRESIDENT: Amendment moved: that in rule 8, after the word "members" the words "and other persons who have a right to sit in the House" be inserted.

Mr. DEPUTY PRESIDENT: I think, Sir, the amendment can be accepted.

Mr. PRESIDENT: The question before the House is that in rule 8, after the word "members" the words "and other persons who have a right to sit in the House" be inserted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is that rule 8 as amended, stand part of the Rules.

(The motion was agreed to.)

Rule 9.

Mr. PRESIDENT: Rule 9 stand part of the Rules.

Rai MANMATHA NATH BOSE Bahadur: Sir, may I be permitted to move only a portion of the amendment I have given notice of? It is this: that after the words "English language," in the second line of rule 9, the following be inserted:—

"but any member who cannot speak in English with ease and facility may speak in Bengali."

As you know, Sir, there are many men who understand thoroughly what is spoken in English but at the same time they do not possess any fluency of speech in English; and therefore they do not like to speak in English. My amendment seeks to meet that situation.

Mr. PRESIDENT: Your amendment is in direct contravention of the definite provision in the statute about the language to be ordinarily used in regard to the proceedings of the Legislature. Section 85 of the Government of India Act, 1935, clearly defines the nature of the language to be used in regard to the proceedings of the Legislature. It says, "All proceedings in the Legislature of a province shall be conducted in the English language, provided that the rules of procedure of the Chamber or Chambers and the rules, if any, with respect to joint sittings shall provide for enabling persons unacquainted or not sufficiently acquainted with the English language to use any other language." The Chair is therefore unable to allow your amendment to be moved which seeks to extend that right. The passing of this amendment would extend the scope of section 85 of the Government of India Act, 1935, and I, therefore, rule this amendment out of order.

The question before the House is that rule 9 stand part of the Rules.

(The motion was agreed to.)

Rules 10 and 11.

Mr. PRESIDENT: Rules 10 and 11 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 10 and 11 stand part of the Rules.

(The motion was agreed to.)

Rule 12.

Mr. PRESIDENT: Rule 12 stand part of the Rules.

Mr. NARESH NATH MOOKERJEE: I beg to move that in rule 12, in paragraph (*ii*) of sub-rule (*2*), after the word "the" in line 1, the word "personal" be inserted.

Sir, it is a small amendment. Instead of the word "conduct," we want to make it the "personal conduct" of the Governor-General, etc. I think that will make the thing more clear and I hope Government will have no objection to this amendment.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, the word "conduct" here means the personal conduct of the Governor or the Governor-General.

Mr. PRESIDENT: Amendment moved: that in rule 12, in paragraph (*ii*) of sub-rule (*2*), after the word "the" in line 1, the word "personal" be inserted.

Dr. RADHA KUMUD MOOKERJI: Sir, I should like to submit to the Council that the word "personal" is more appropriate on constitutional grounds. It is not merely a verbal change which we are proposing. After all, the Constitution has clearly differentiated the activities of the Governor in his public capacity as an organic part of the Constitution, and therefore it would be far better to really express what we mean by this rule. I think there is no harm if we really restrict this rule by the use of the word "personal."

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think, Sir, that the amendment can be accepted, because we are not supposed to discuss the conduct of the Governor-General.

Mr. PRESIDENT: Will Sir Nazimuddin please refer me to the relevant section? I do not think there is anything definite to that effect in the Government of India Act, 1935.

The Hon'ble Khwaja Sir NAZIMUDDIN: For the moment, Sir, I fail to lay my hand on the relevant section.

Mr. PRESIDENT: It is now for the House to decide as they like it. But the point that Dr. Mookerji raised was that the Governor being the head of the Executive, his administrative actions can certainly be criticised in this House but remarks reflecting upon his personal conduct can never be raised on the floor of the House. The proposed amendment would apply only to the administrative acts done by the Governor as the head of the Executive and not to those of the Ministers who, under the Constitution, are merely advisers of His Excellency the Governor.

Mr. DEPUTY PRESIDENT: Sir, section 84 is the only relevant section that I can think of.

Mr. PRESIDENT: So, it is for the House to decide whether they would like to have the right of criticising the purely administrative acts of the Governor.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to oppose the amendment. It will be very difficult to draw a distinction between the personal acts and the administrative acts of the Governor or other authorities named in the draft rule. Endless complications will arise if we discuss the conduct of the Governor in his personal capacity by pretending to exercise our right in the manner proposed through this amendment. It will be useless for our purposes to criticise an act of the Governor, personal or otherwise. It will lead us dangerously near to criticising the Governor. I, therefore, oppose the amendment.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, the Governor acts in three ways: On advice, in his discretion, and in his individual judgment. So far as the discretion and individual judgment of the Governor are concerned, we cannot provide for any rule to discuss the acts done by him under those two heads. So far as his acts on advice are concerned, the Governor need not be discussed, because he acts under the advice of the Ministers who take full responsibility for the advice they tender. So, I think Dr. Mookerji's amendment is not necessary.

Mr. HUMAYUN KABIR: Sir, I beg to support this amendment, because in spite of what the Hon'ble Mr. Nalini Ranjan Sarkar has said, there may be occasions where the administrative acts of the Governor may require discussion in this House. Khan Bahadur Naziruddin Ahmad could not foresee any occasion where the personal conduct of the Governor could be distinguished from his public conduct. When His Excellency goes to a dinner, he does it certainly in his personal capacity, but if he makes a political speech there in which some policy of the Government of Bengal is formulated, it will be an act in his public capacity, because, as has been stated by more than one Governor recently, that on such occasions he will not say anything which has not the concurrence of his Ministers. I think Sir John Anderson himself said that in his speech which he made just after the inauguration of the Provincial Autonomy that he did not want to make any statement on his own initiative, because now the Ministers would be responsible and whatever he said should be interpreted as the policy with which the Ministers have identified themselves. Therefore, Sir, there is room for discussing the public conduct of His Excellency the Governor.

Then with regard to the question of the distinction between actions done at his discretion and those done in the exercise of his individual judgment, I submit, Sir, that acts which are performed by him at his discretion may be outside the scope of discussion in this House, but those actions which are done in the exercise of his individual judgment may be discussed in this House even though such discussion may not

influence in any way the decision of the Governor; because in exercising his individual judgment, if I am correct, the Governor though bound to consult his Ministers is empowered to act on his own responsibility, whereas in cases where he acts at his discretion, he may not consult his Ministers at all. Therefore, Sir, there are gradations in the different conducts of His Excellency the Governor, and I submit this sort of amendment is in order.

Mr. E. C. ORMOND: Mr. President, Sir, I beg to oppose this amendment. As has been pointed out by Khan Bahadur Naziruddin Ahmad, this will lead to endless hair-splitting as to whether a particular action of the Governor is in one capacity or another. As has been pointed out by the Hon'ble Mr. Nalini Ranjan Sarkar, His Excellency the Governor may act in various capacities. The Hon'ble Mr. Nalini Ranjan Sarkar said that he has three capacities. It would appear to be accurate to say that he has four capacities. He has his personal capacity when he orders his horse in the morning, or sends for his hat. When he acts in his individual judgment or when he acts at his own discretion: that may be regarded as his second capacity. With that we should have no say, and I submit that it would be out of order for this House to discuss actions done by His Excellency the Governor in his own discretion. Then, he has a third capacity, as has been pointed out, when he acts as Governor on the advice of his Ministers. It has been pointed out that in that sphere it is the Ministers who take the responsibility. Therefore, there is no point in discussing the conduct of His Excellency the Governor so far as those acts are concerned. I would submit that such action on our part would be out of order. Then, there is the last capacity when he acts in his individual judgment. Now, it will be seen, Sir, that if this word "personal" is put in, the only restriction on the debate is that this House may not make speeches reflecting upon the personal conduct of His Excellency the Governor. It is quite clear, Sir, that apart from his personal conduct, there are many other actions outside his personal conduct which this House has no power to discuss. Therefore, I submit, Sir, not only is this a motion which should be opposed on grounds of principle and logic, but, Sir, I would go further and say that it is a motion which is out of order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I draw your attention, Sir——

Mr. PRESIDENT: A point of order has been raised. I shall decide that question first.

So far as the point of order is concerned, I refer the Hon'ble Mr. Ormond to section 84 of the Government of India Act, 1935. The

Governor has the right, in his discretion, to regulate the procedure of the House in all such matters where he acts in his discretion or in the exercise of his individual judgment. I would refer the House to the last three lines of section 84 which read thus: "if and so far as any rules so made by the Governor is inconsistent with any rule made by the Chamber, the rule made by the Governor shall prevail," and it is absolutely clear therefore that the Governor has the right, if he so desires, to ban any discussion on any matter performed in the exercise of his discretion or in his individual judgment. I have already said that section 84 of the Government of India Act, 1935, contemplates the framing of rules by the House even in matters relating to Governor's discretionary powers and in cases of conflict, inconsistency or incongruity between these two sets of rules, the Governor's rules shall prevail. I do not therefore think that I should curtail the rights of the House by ruling this amendment out of order. I hold the amendment to be in order, but as regards its merit certainly the House will have to decide that.

Mr. KAMINI KUMAR DUTTA: Sir, it has really created some surprise in my mind that objection could be raised to the amendment proposed. Indeed, if any limitation was consider necessary to be put as to the right of discussion in the House that has already been provided for in section 84 of the Government of India Act. And section 84 is quite clear. It has also clearly laid down where there should be any restriction as to the discussion, namely, in regard to the personal conduct of the Rulers and members of the Ruling Family. Indeed, as has been held already by you, Sir, the amendment is not *ultra vires*, and it is within the competence of the House to frame such a rule. I would only say that we should not make any attempt to curtail the power of the House and to impose more restriction than has been contemplated in the Government of India Act itself. The House would be stultifying itself if by its own rule it were to curtail the powers which have been given to the House by the Statute.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I was going to draw your attention to section 84 where it is clearly laid down that the Governor's rule will prevail in regard to acts done by him in the exercise of his individual judgment and at his discretion. So, is it worth while for the House to frame a rule which he can always over-rule by his own rules? It is not really a question of surrendering any power, which the House possesses, and I venture to submit that it is not contemplated under the Act that the House should frame rules with respect to those two points.

Mr. PRESIDENT: I take it that there is no other speaker.

Mr. NARESH NATH MOOKERJEE: May I just say one thing, Sir? I wish to change the word "personal" into "individual." That may make the matter more clear, because what we want to discriminate is the constitutional capacity of His Excellency the Governor as distinct from his personal capacity.

Mr. PRESIDENT: That point has already been made clear. Before I put the amendment to vote, I would, however, like to make it clear to the House that the point raised by Khan Bahadur Naziruddin Ahmad regarding difficulties in distinguishing between the personal conduct and the administrative conduct of the Governor does not appear to me to be of such a nature as will not admit of any solution. The Chair will be most anxious to see that the distinction is maintained and that no reflection on the personal conduct of His Excellency is made in the House.

The question before the House is that in rule 12, in paragraph (*ii*) of sub-rule (*2*), after the word "the" in line 1 the word "personal" be inserted.

(The motion was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-rule 2 (*v*) of rule 12, after the word "President," the words "except with the leave of the President" be inserted.

Sir, this sub-clause as it stands without the amendment is like this. "A member while speaking may not discuss any ruling or direction by the President or any order disallowing the question," and so forth. I would like to insert the words "except with the leave of the President." The effect of this amendment would be that if the Chair gives any ruling, members of this House may be given an opportunity of respectfully submitting reasons for its re-consideration. When the President gives a ruling after due consideration or after hearing the House, of course, no occasion for application of this amendment will arise. But it may be that the President would give a ruling on the spur of the moment without sufficiently considering all the points which might have been submitted for his consideration. It is for this reason that I wish that we should have an opportunity of submittting reasons for his consideration. I can assure the President and the House that up to this time no occasion has arisen at least from this side of the House when the ruling of the President has been challenged or questioned in any way. It is simply a respectful submission by the House and a right to exercise this privilege with the permission of the President is all that is wanted. So far as this House is concerned, it has always accepted the decision of the President in all matters. I submit that lawyers are permitted to exercise a similar privilege in the courts of law where the dignity of the court is as well

established as that of the President. When a court gives a ruling, it always gives the members of the bar an opportunity to discuss that ruling, and submit reasons for its re-consideration, if necessary. It is no disrespect, no belittling of the ruling of the Court or the President. Under these circumstances, I respectfully submit that this amendment will not prejudicially affect the decision of the President or his ruling in any way. It will merely give us an opportunity to submit reasons which might have accidentally escaped the notice of the President. This, I submit, is a very inoffensive amendment. It gives the right to members to address something on the ruling with the leave of the President. Without the President's leave, the members will have no right. It is with the leave of the President that the discussion may be made, and that is the effect of this amendment.

Mr. PRESIDENT: Amendment moved: that in sub-rule 2 (*v*) of rule 12, after the word "President," the words "except with the leave of the President" be inserted.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I beg to oppose this amendment, because the rule says that after the Chair's ruling is given, there shall be no further discussion. If the President wants that the opinion of the House should be taken on a particular question or on a particular matter on which decision has to be taken, then he generally allows a discussion and a thorough discussion on that subject. Therefore, a further provision will put the President in a very awkward position because, on every question on which a decision has been given, there will be further requests made to allow still further discussion. And supposing the President has given a decision to-day and to-morrow he does not come and somebody else presides and he does not agree with the ruling given, then he will have under this rule to allow further discussion on the matter. Thus, it will be creating confusion. Therefore, Sir, I beg to oppose this amendment.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, Government also oppose this amendment, because it is contrary to the established principles of the British parliamentary procedure.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I have your permission to withdraw the amendment?

Mr. PRESIDENT: Has the honourable member the permission of the House to withdraw his amendment?

Mr. RANAJIT PAL CHOUDHURY: I object, Sir.

Mr. PRESIDENT: The question before the House is that in sub-rule 2(*v*) of rule 12, after the word "President", the words "except with the leave of the President" be inserted.

(The motion was negatived.)

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg to move that in sub-rule (*2*) (*vii*) of rule 12, for the word "treasonable", the word "seditious" be substituted.

Sir, my object in moving this amendment is that the offence of treason is not defined or provided for in the Indian law. The Indian Penal Code provides for the offence of sedition in section 124(*a*). The rules under the old Government of India Act also provided forbidding the delivery of seditious speeches in the Legislature. So, the word "seditious in the rules should replace the word "treasonable."

Mr. PRESIDENT: Amendment moved: that in sub-rule (*2*) (*vii*) of rule 12, for the word "treasonable" the word "seditious" be substituted."

Mr. DEPUTY PRESIDENT: I beg to oppose this amendment.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I beg leave of the House to withdraw my amendment.

The motion of Rai Surendra Narayan Sinha Bahadur was then, by leave of the House, withdrawn.

Rai MANMATHA NATH BOSE Bahadur: Sir, I beg to move that in sub-rule (*2*) (*ix*) of rule 12. for the words "refer to," the words "express any opinion or make any comment on" be substituted.

The language in the original rule is this: "Refer to any matter of fact on which a judicial decision is pending." Now, Sir, it will be dangerous if a speaker is disallowed from even referring to such a matter. That is not a sound proposal. So, I beg to submit that the drafting requires amendment. I beg to submit further that as a matter of fact the framer of the rule really meant to exclude "expression of any opinion or comment on such matter." Therefore, without making any long speech over the matter, I commend my amendment for the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that in sub-rule (*2*) (*ix*) of rule 12, for the words "refer to" the words "express any opinion or make any comment on" be substituted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I be allowed to move a short notice amendment of a formal character, and that is that I want to substitute the word "discuss" in place of the words "express any opinion or make any comment on.", I am in entire agreement with the sentiment conveyed by the amendment and I believe it to be necessary, but I would make the substitution as I have indicated, if it is acceptable to the House.

Rai MANMATHA NATH BOSE Bahadur: I think, Sir, the word "discuss" will not be quite appropriate. As a matter of fact, the intention is that nothing substantial should be said on those subjects. And if that be the intention, "discuss" will mean that something of that sort will be said and, therefore, I do not think that that word is quite appropriate. I have given considerable thought over this matter, and I consider that my drafting is the most appropriate, and as a matter of fact, I think that that was the intention of the framer also.

Mr. DEPUTY PRESIDENT: I think the amendment of Rai Bahadur Manmatha Nath Bose is much better than the draft, and if the House so desire, I am prepared to accept it.

Mr. PRESIDENT: The question before the House is that in sub-rule (2) (*x*) of rule 12, for the words "refer to" the words "express any opinion or make any comment on," be substituted

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is that rule 12, as amended, stand part of the Rules.

(The motion was agreed to.)

Rules 13, 14 and 15.

Mr. PRESIDENT: Rules 13, 14 and 15 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 13, 14 and 15 stand part of the Rules.

(The motion was agreed to.)

Rule 16.

Mr. PRESIDENT: Rule 16 stand part of the Rules.

Mr. PRESIDENT: The question is that rule 16 stand part of the Rules.

Dr. RADHA KUMUD MOOKERJI: Sir, I beg to move that in sub-rule (*1*) of rule 16, the words "on all points of order" appearing in line 3 be omitted.

The reasons for this amendment are pretty obvious. I beg to submit that the expression "on all points of order" is absolutely superfluous, and I believe that the intervention of these words is not in keeping with the powers and privileges given under the Constitution to the President. I think that for all practical purposes the sentence should run as follows: "the President shall preserve order and have all powers necessary for the purpose of enforcing his decisions." We should not attempt to limit the authority of the President in the Council Chamber in any way and if we limit it only to points of order as is suggested by the wording of the draft rule, I think it will not be quite fair. I think, Sir, that my amendment will be accepted unanimously by the House because it simply clears up a point which is not at all necessary in my opinion.

Mr. PRESIDENT: Amendment moved: that in sub-rule (*1*) of rule 16, the words "on all points of order" appearing in line 3 be omitted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I oppose the amendment. I fear that Dr. Mookerji, the great champion of consistency, is inconsistent in this amendment. In the previous amendment suggested by me it was thought by the other side that I wanted to undermine the dignity of the Chair. I believe in this amendment Dr. Mookerji is plainly guilty of doing something more than what I was supposed to have attempted. In fact, he would have it that the President's decision on certain matters only will be binding on the House and he will have power to enforce those decisions only, but with regard to many other decisions,—nobody knows what those decisions are—he will have no power to enforce them. It is unthinkable that the President will have no power to enforce his orders in all cases. I, therefore, submit that this amendment should be thrown out.

Mr. PRESIDENT: The question before the House is that in sub-rule (*1*) of rule 16, the words "on all points of order" appearing in line 3 be omitted.

The question was put to vote and a division called for.

(While the division bell was ringing)—

Mr. E. C. ORMOND: May I rise on a point of order, Sir, if I might have the indulgence of the House?

Mr. PRESIDENT: If it is any point of order in connection with the division, then you may put it after the division is over.

Mr. E. C. ORMOND: If the division is finished, and my point of order is raised then, then it will have no value.

Mr. PRESIDENT: During a division a point of order can be raised only on the question of the division, and in that case the member making the point of order should *speak* from his seat and not *rise* in his place.

Mr. E. C. ORMOND: (Seated.) Well, Sir, my point of order is in this sense on the division that has been called. What has struck me is that if the rules permitted it, we should have considered these rules in a committee of the whole House so that we might have the benefit of you, Sir, taking part in the proceedings as one of us. As these rules up to the present contain no power for the House to sit in committee, that course is impossible; but I was suggesting to the House to give me the indulgence and allow me to propose that the rules be suspended for the moment. As the rules affect you, Sir, you might be good enough to give us your own views as to what you consider should be the manner in which the suggested wording of the amending rule will affect the position of the Chair. (From the Congress Benches: We all heartily agree to this proposal.)

Mr. PRESIDENT: Strictly speaking, it is not a point of order and the Chair does not like to take part in this discussion. Besides, the rules of this House are not unchangeable like the Laws of the Medes and Persians. We can change them if we so like in case they are found unsuitable in practice.

(On a second call, the division was not pressed.)

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that rule 16 stand part of the Rules.

(The motion was agreed to.)

Rule 17.

Mr. PRESIDENT: Rule 17 stand part of the Rules.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in rule 17, for the word "exercised", the word "exercisable" be substituted.

Rule 17, as it stands, says that the powers of the President exercisable at a meeting of the Council shall be exercised, in the absence of the President or the Deputy President, by the person presiding over the Council.

It means that the powers which may be exercised by the President shall be exercised by the person who presides in the absence of the President, leaving him no option. It will be a contradiction in terms to give power which shall be exercised and so on. Plainly, this is not what is meant. The Chairman will have no option to depart from certain powers. The substitution of the word "exercisable" would make the meaning quite clear.

Mr. PRESIDENT: Amendment moved: that in rule 17 for the word "exercised", the word "exercisable" be substituted.

Mr. DEPUTY PRESIDENT: Sir, I have got an opportunity of correcting the corrector of the amendment, namely, Khan Bahadur Naziruddin Ahmad, because I think that the word "exercisable" in the second line will be really "exercised", and so far as the next "exercised" is concerned, it should be "exercisable". And that is I think what the Khan Bahadur meant, or perhaps it is a printing mistake.

Mr. PRESIDENT: Are you willing to accept this amendment Khan Bahadur?

Khan Bahadur NAZIRUDDIN AHMAD: Yes, Sir; I will accept it if it improves the drafting.

Mr. PRESIDENT: The question before the House is that in rule 17 for the word "exercised" the word "exercisable" be substituted.

Since which an amendment has been moved to that amendment that the word "exercisable" in line 2 should be substituted by the word "exercised" and the word "exercised" in line 3 will be substituted by the word "exercisable".

Now the question before the House is that the amendment to the amendment be made.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is that rule 17, as amended, stand part of the Rules.

(The motion was agreed to.)

Rule 18.

Mr. PRESIDENT: Rule 18 stand part of the Rules.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, there is some difficulty as regards the amendments.

Mr. PRESIDENT: Yes, I see the difficulty. The first amendment is for substitution and the other amendments are for altering particular words.

I would suggest that the Hon'ble Mr. Nalini Ranjan Sarkar should move his amendment. I would thereafter allow you to move yours by way of an amendment to that moved by Mr. Sarkar. Then there will be discussion on all of them.

The Hon'ble Mr. NALINI RANJAN SARKAR: Sir, I beg to move that for rule 18, the following be substituted, namely:—

"18. Except at the meeting on one day in each week, which shall ordinarily be Friday, Government business, unless the Governor otherwise directs, shall have precedence at every meeting of the Council, provided that, with the permission of the President, Government business may have precedence on that day. The Governor after consulting the President may allot different days for the disposal of different classes of private members' business. On days allotted for any particular class of business, business of that class shall have precedence."

Mr. PRESIDENT: Amendment moved: that for rule 18, the following be substituted, namely:—

"18. Except at the meeting on one day in each week, which shall ordinarily be Friday, Government business, unless the Governor otherwise directs, shall have precedence at every meeting of the Council, provided that, with the permission of the President, Government business may have precedence on that day. The Governor after consulting the President may allot different days for the disposal of different classes of private members' business. On days allotted for any particular class of business, business of that class shall have precedence."

I shall now allow Khan Bahadur Ataur Rahman and other members who have given notices of amendments to move as amendments to this amendment their respective amendments. I think that will facilitate discussion on this draft rule.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to move that in rule 18, after the word "on" appearing in line 1, the words "at least" be inserted.

Sir, my anxiety in moving this amendment is that on certain days there may not be any Government business, and we may be present here. Everyone of us possibly will draw some mileage or halting allowance without doing any work. So, if such day occurs, some private members' business should be allowed to be carried on. With that view in my mind, I gave notice of this amendment.

Mr. PRESIDENT: Amendment to the amendment moved: that in rule 18 after the word "On" appearing in line 1, the words "at least" be inserted.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move, Sir, that in rule 18, after the word "precedence" appearing in line 4, the following be inserted, namely:—

> "and ordinarily Friday shall be fixed for private member's business so that, if the day's business is not finished by Friday, it may be continued on Saturday with the President's permission."

Sir, I would like to add this much that if the day's business is not finished by Friday, it may be continued on Saturday with the President's permission.

Mr. PRESIDENT: Further amendment moved: that "and ordinarily Friday shall be fixed for private members' business, so that, if the day's business is not finished by Friday, it may be continued on Saturday with the President's permission."

Khan Bahadur NAZIRUDDIN AHMAD: May I submit, Sir, that the amendment proposed by the Hon'ble Mr. Nalini Ranjan Sarkar has not been explained. I have not very carefully read the texts of the amendments and I have not compared them. It will be very useful to us to know the reasons for the change and where the distinction lies between the two.

Mr. PRESIDENT: I think the difference between draft rule 18 and the Government amendment is simply this. There, nothing is settled about the date; it is only mentioned "one day in a week". Here in the Government amendment, they have said that ordinarily it should be a Friday.

Mr. HUMAYUN KABIR: There are other differences, Sir.

Mr. HAMIDUL HUQ CHOWDHURY: President's power is brought in as regards division of work.

Mr. PRESIDENT: Governor after consulting the President, may allow different days for disposal of different classes of business. In the original draft, Governor may allot different days for the disposal of different classes of business. Now, it is being suggested that the Governor will do it after consultation with the President. That is the second point.

Mr. HUMAYUN KABIR: There is a third point also which is most important to this House, Sir.

Mr. PRESIDENT: On non-official days if there is no work, then, with the permission of the President, Government business can be carried on. These are the points.

Mr. HUMAYUN KABIR: May I submit, Sir, there is also another distinction between these two drafts which is very important for this House. In the draft as presented by the Committee, on one day in each week private members' business shall have precedence. A day is definitely fixed. One day each week will definitely be allowed to private members' business, but in the case of the amendment which is now being moved by the Hon'ble Mr. Nalini Ranjan Sarkar, this is hedged in by conditions—except at the meeting of one day in each week, which shall ordinarily be Friday, Government business, unless the Governor otherwise directs, shall have precedence at every meeting of the Council. There are two possibilities which arise. One is there may be no session at all on Friday and secondly even if there be a session on Friday——.

Mr. PRESIDENT: Is it on all days that Government will have the right to have precedence?

Mr. HUMAYUN KABIR: That is the amendment, Sir. I beg to submit, Sir, that it is covered by this clause. Therefore, may I move as amendment to Mr. Sarkar's amendment that the first sentence——

Mr. PRESIDENT: Order, order. I shall then take up the amendments tabled to the original draft rule at this stage for, once the amendment for substituting a clause is accepted, all other amendments to that clause will fall through, as the draft rule to which they relate will disappear. There is fundamental difference between the draft rule and the amendment of the Hon'ble Mr. N. R. Sarkar. So, I shall put

the amendment for substitution to vote first and if that is carried, all other amendments will be barred. If that is not carried other amendments will be considered.

Will anybody speak on the amendment of the Hon'ble Mr. Nalini Ranjan Sarkar?

Mr. HUMAYUN KABIR: I was speaking, Sir, when I sat down on account of your rising. Sir, I was submitting that the draft as now presented by Mr. Nalini Ranjan Sarkar may take away the right of the House. I do not think it will but it may, because as has just now been pointed out, according to the present draft of Mr. Nalini Ranjan Sarkar, there need not be any day allotted for private members' business at all. Ordinarily, it shall be done of course, but there may be also cases which are not ordinary. There may be no session at all on Friday and further, even if there be a session on Friday, that day may be allotted to Government business, unless the Governor otherwise directs, after consultation with the President. And if the Governor so directs, that day also may be given to Government business. Now, Sir, our contention throughout has been that there should be one day allotted for private members' business every week during the session of this House, and since many of the Bills originate in another place, this House has always demanded that it should have the right of discussing Bills which are brought forward by private members.

There is also another consideration, Sir. I wished that the two parts of Mr. Nalini Ranjan Sarkar's amendment were moved separately. Personally, I think that the second half of Mr. Nalini Ranjan Sarkar's amendment is a definite improvement on the rule which has been drafted by the Rules Committee. So, if the second part were moved separately, we would gladly accept that. But the first part which seeks to change the rules as they stand now has to be opposed on the ground that it curtails the power of this House for discussing private members' Bills during every week.

Mr. PRESIDENT: I think the matter that you suggest is covered by subsequent amendments Nos. 45 and 47.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the whole point here is that under these rules one day each week during the Council Session is definitely allotted for private members' business and this will ordinarily be Friday, though with the consent of the President, Government business may have precedence on that day. Now, this is strictly in accordance with the parliamentary practice which obtains in England. There, ordinarily one day is reserved for private members' business, but if there is an emergency, Government can have

that day also f... ...nment business. Here, we have gone further and made a concession in excess of that. The power of taking away that one day has not remained with the Government. Government will have to take the consent of the President and satisfy him that the Government business was of such an emergent nature as to deserve precedence over non-official business on that day. Now, what I would like to point out here is that under the existing rules, it was not compulsory to allot one day for private members' business every week. This rule has been framed in accordance with the practice which prevails in the House of Commons. Now, if you take advantage of that rule in the House of Commons and have one day for private members' business, then it is necessary that you should also accept the proviso which obtains there, namely, that the Government has the right to appropriate that one day for Government business if they think it necessary in emergent cases. You can't deny that for, that is the practice in the House of Commons. The amendment of the Hon'ble Mr. Sarkar has put a further bar that not only it must be an emergency, but the emergency must be of such a nature that it will satisfy the Hon'ble the President that it is a real emergency. In England in the House of Commons, the decision rests entirely with the Government. There it is the Government which decides that an emergency has arisen and they can have their business on that day. But here you are going to put a check in that not only the Government should regard a particular matter to be of an emergent nature, but they will have to satisfy the President as well about the emergency. So, I think the House ought to be fair. If you claim the right of having one day reserved for private members' business on the analogy of the House of Commons, then it is necessary that the proviso which obtains in the House of Commons should also be there. You cannot have it both ways.

Then, Sir, I would just like to reply to the point raised in Khan Bahadur Ataur Rahman's amendment about "at least". Mr. Sarkar's amendment does not mean that because one day is reserved for private members' business, if there is necessity or if there is no Government business, other days cannot be given. What this rule provides is that ordinarily Government business will have precedence on other days. Now, supposing Government are not ready with any business and at the same time there is some private members' business to be disposed of, it has got to go through. By mutual agreement, it is possible to give the day for non-official business. It may suit Government, for instance, when you have taken up a private member's Bill to have it on two or three days in succession, finish it and allow the other days when the Government wants, to be taken away for Government business. The word "at least" is unnecessary, because the rule does not bar other days being allotted, if necessary, for private members' business.

Thirdly, Sir, Khan Bahadur Saiyid Muazamuddin Hossain's suggestion again, I consider is not necessary because the right to have meetings on Saturday, if necessary, is also there. If it is absolutely essential, Government can allot Saturdays for private members' business.

So, I see no reason why Saturday should be ear-marked. Because, once you begin to take Saturday as a normal day for business, then it will be difficult for the President to resist any suggestion that we should not meet on Saturday. It may not generally be possible to finish private members' business on Friday. So, naturally a great demand will be made for sitting on Saturdays to finish such business, so that there will be six working days instead of five. Nowhere are there six working days for any legislature. At least on Saturdays and Sundays there should be some rest. So, I suggest, Sir, that the amendment proposed by Mr. Sarkar will give facilities for non-official business which do not exist now and will improve the rule drafted by the Rules Committee so far as the latter portion is concerned, by giving more power to the President; and in view of the concession that has been made, I hope the House will accept the proposal of Mr. Sarkar without any further discussion.

Dr. RADHA KUMUD MOOKERJI: Sir, I am very sorry it is not possible for me to agree with what Sir Nazimuddin has said in defence of the Government amendment to rule 18. In certain matters no doubt the Government draft registers an improvement upon the draft made by the Rules Committee, but that is only with regard to the second part of the draft.

As regards the first part of the Government draft, I should like to submit to the Council that it really embodies or rather insinuates certain provisions which will have the effect of taking away the little liberty that has been given to private members in this Council. The original draft stands up for two principles. The first suggests that one day in each week shall be ear-marked for private members' business. That is a privilege which must be unreserved. Just as Government can do their part of the work on four days in the week, the non-official members also must similarly have their fair share of legislative work and one day must be guaranteed to them in the ordinary course of things. That guarantee is very clear in the original draft in this way, namely, that it states that one day shall be reserved for private members' business. I do not think that there should be radical divergence always between the Government and the non-official members. What objection should a popular Government have to the introduction of private members' business which is after all a part of Government's business, in the ultimate sense? So, radically, there is hardly any difference on principle between a private member's business and Government business. And at least 20 per cent. of the liberty that is given to

Government should be set apart for private member—I mean one day out of 5 days which means 20 per cent.

Mr. PRESIDENT: If the hon'ble member looks to rule 3, he will find that on Saturdays too, the Council may sit. So, it is not correct to say that there will be only 5 working days in the week.

Dr. RADHA KUMUD MOOKERJI: Sir, I had not contemplated that.

Mr. PRESIDENT: You must take into consideration what has already been passed. We have already passed a rule to the effect that the House may sit on Saturdays.

Dr. RADHA KUMUD MOOKERJI: Very well, Sir. The provision of Saturdays being counted as working days, rather adds to my argument. It means that a private member gets only one day out of six days. The draft rule lays down that on one day each week private member's business shall have precedence. But that day is not named, because that one day may be lost being a holiday or on account of circumstances over which the Council may have no control. Therefore, because private members are getting one day in the week, their rights should not be jeopardised by accident. So, this right of the private members who have one day a week should be above all accidents and all circumstances over which they may not have any control. This is why I say that this privilege, this assurance to private members that they will have at least one day in the week, is being jeopardised by this amendment which fixes Friday for private members' business. Exceptions must be considered as also difficulties in the way of non-official member's business being taken up on every Friday. It is now proposed to jeopardise even the small liberty proposed to be given to private members and therefore the original proposal should be emphatically supported. One day in the week must be reserved for private members' business. Whether that day should be a Friday or any other day, must be left to the President's decision. Khan Bahadur Ataur Rahman's amendment still further improves the original draft by assuring the private members of another bright prospect of some further opportunity for legislative work. Of course, if there is any vacancy due to want of Government business or due to any other circumstances, then the benefit of this kind of vacancy may be given by the President to private members. I do not think, Sir, that there should be any objection to use the words "at least." So, not merely should we press for one day in the week but we should see that that day be irrespective of holidays; and not only that, we should press for the other provisions also, namely, that it should be possible for the President to allot one more day if there is any scope for it. Therefore, I think these two

privileges should be clearly expressed in suitable language without leaving any doubt or equivocation which always characterises legal language. Sir, I fight shy of legal language. And therefore I prefer the original draft for its outspoken language, namely, that there should be one day in the week for private members' business, and secondly, that there should be at least one day and thirdly, Government in consultation with the President will alter the rules by which the legislative business may be distributed between the Government and the private members. On these grounds, I hope the Council will be disposed to recommend the original draft as it has emerged out of the labours of the Rules Committee.

Mr. E. C. ORMOND: Sir I have listened very carefully and have tried to understand the logic of Professor Mookerji's remarks, but speaking for myself I have utterly failed. I should have thought that after the Hon'ble Sir Nazimuddin's speech it would have been clear that the draft of the Hon'ble Mr. Nalini Ranjan Sarkar gave full scope to private members' claim on the time of the House. The hon'ble member, Dr. Mookerji, complained that the draft of Mr. Sarkar does not give one day a week. I fail to understand how he reads the first sentence which is that "except at the meeting on one day in each week, Government business shall have precedence." Of course, there are certain other words such as "which shall be ordinarily Friday". If, however Friday is shut out being a holiday and is not available for private members' business, then it will not ordinarily be Friday but it will be one day in the week. One day in the week is the first postulation and the words "which shall ordinarily be a Friday" mean nothing less than one day in the week. So, it is perfectly clear from my reading of the sentence that this draft of Mr. Sarkar gives the prospect of one day in the week which is or rather more than even the original draft. Then, Sir, I may point out one other matter. The whole rule concerns only the precedence of business. Either Government business or private members' business will have precedence, but that will not prevent other business from being taken up, if the first business is finished. That is all that I need say in support of the amendment of Mr. Nalini Ranjan Sarkar.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise in support of the amendment of which I have given notice. Certainly we have already fixed by rule 3 that there may be a meeting on Saturdays and it is clear that Government is not at all anxious to utilise Saturdays for Government business. In fact, Sir Nazimuddin has said that there will be only 5 days and he should be generous to allow us to utilise Saturdays for private members, and in that view we should have the power with the consent of the President to carry over our business of Fridays to Saturdays also. Saturday, as the Hon'ble

Sir Bijoy Prasad Singh Roy reminds me, is only an optional day; yet although it is an optional day, the President will have the liberty to allow it to be used for private members' business; if he thinks it unnecessary he may not allow Saturday for this purpose. But why should we not be given the facility to do our work on Saturdays seeing that in the rules there is a provision. So, I think that the latter portion of my amendment will be agreed to by this House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I just make one remark? If this amendment is accepted, it will practically mean that Saturdays also will come to be counted as ordinary working days which, I believe, is not the intention of this House. If the House meets on Saturdays, then it will meet at 11 o'clock—and that is the implication of rule 3. There is nothing to prevent the President to adjourn the House to Saturday if he considers it necessary to give facilities to private members to carry on their business. So, this amendment of Khan Bahadur Saiyed Muazzamuddin Hosain is absolutely unnecessary. It will create complications and will introduce rigidity in the rules which I think we all want to avoid.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: On a point of information, Sir. Can the President adjourn the work of the House to Saturday without the Minister's consent, to carry on private member's business?

Mr. DEPUTY PRESIDENT: As regards the amendment of Mr. Nalini Ranjan Sarkar, I think that an apprehension is being felt that the words "at every meeting" might create difficulties possibly in certain circumstances. But the previous sub-clause and the subsequent sub-clause clarify the situation, because it is provided that there shall be a day fixed for private members. I submit that it is plain to every one who reads this, namely, "except at the meeting on one day each week which shall ordinarily be Friday, Government business, unless the Governor otherwise directs, shall have precedence at every meeting of the Council." This clearly provides a day for private members without any qualification.

Subsequently, you will find that it provides that with the permission of the President Government business may have precedence on that day, i.e., private members' day, so that it is a double protection so far as private members' days are concerned. If you want to make it clear, the words "every other meeting" may be inserted. But it does not really require clarification.

As regards Khan Bahadur Saiyed Muazzamuddin Hosain's amendment, I am afraid I must oppose it because the intention is to provide two days in a week for private members' business and it is hardly

expected that when there are 65 private members they will be able to finish one class of business on a particular day and will not come to the President at least with 30 requests to extend it to Saturday, and in every case the President will be in a very awkward position to refuse such requests. But the policy underlying the restriction of private members' days as far as possible is that private members' business, if it accumulates, affects the business of Government and that is why in every legislature the largest number of days is given to the Government and private members are given the smallest number. If it was intended that private members could do useful work themselves equally with the Government, then there would have been no sense in giving the largest number of days to Government and very few to private members. But the policy followed everywhere is that the Government should have the largest number of days and there should be as few as possible for private members, so that there is no interference with the Government business especially where there is the bicameral system of legislation. Therefore, Sir, I oppose Khan Bahadur's amendment as well.

Mr. KAMINI KUMAR DUTTA: Sir, in order to make the meaning of the amendment proposed by the Hon'ble Mr. Nalini Ranjan Sarkar clear and to make its real intent quite definite, may I suggest one thing to the Government that except at the meeting on one day in each week which shall ordinarily be Friday, Government business shall have precedence at every other meeting of the Council.

Mr. PRESIDENT: That has been suggested by the Deputy President also.

Mr. KAMINI KUMAR DUTTA: Instead of the words "unless the Governor otherwise directs" which should be omitted, it should be added there, "provided that with the permission of the President Government business may have precedence in case of emergency on the day fixed for non-official day or Friday in case of emergency." There, it is "unless the Governor otherwise directs". Instead of that, the words "provided that with the permission of the President Government business may have precedence in case of emergency on the day fixed for non-official business", should be added.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: On a point of information, Sir. I asked whether the President can postpone private business to Saturday if it is fixed for Friday, on his own initiative without the consent of the Ministers.

Mr. PRESIDENT: Yes, if power is given under the rules.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: When it was said by Sir Naziruddin——

Mr. PRESIDENT: I am sorry there is no right of reply.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to support the Government amendment. I find that the learned Deputy President and the hon'ble Mr. Kamini Kumar Dutta think that the word "other" should be introduced in a suitable place. I do not think this necessary. This word "every" is actually subject to a proviso that it is subject to the permission of the President. The word "every" has been seriously modified by the proviso.

Mr. PRESIDENT: The members desire to have absolute right over the one day allotted for private members' business, neither the President nor the Governor having any right to encroach on that one day's non-official work.

Khan Bahadur NAZIRUDDIN AHMAD: That will require, Sir, the further deletion of all the words relating to the consent of the President. Mere addition of the word "other" will not do.

Mr. PRESIDENT: Do you desire to stick the wordings of the Rules Committee?

Khan Bahadur NAZIMUDDIN AHMAD: It may be that the Committee's draft has got its difficulty. If it is absolutely fixed that a certain day will be a private member's day, it may lead to practical inconvenience. It may often be very convenient for the House to consider a very urgent and important Government measure on that day and if it is done with the consent of the President, I think the rights of the House will be sufficiently safeguarded. In these circumstances, I submit that the Government draft is an improvement. If the President agrees to forego a non-official day—Friday, which is fixed for private members' business and allows the Government to utilize it for their own purposes, the President will certainly see to it that they are compensated by an additional day next week. Some such arrangement must take place and I think the rights of private members would be sufficiently safeguarded if we leave it at that and rely on the President.

Mr. LALIT CHANDRA DAS: Sir Nazimuddin has emphasized two things very clearly in his speech. He cited the precedent of the House of Commons. Non-official business is fixed for one day in a week and that point should be made clear. Then, Sir, in his speech

Sir Nazimuddin emphasized the word "emergency". In the House of Commons, there is a rule that in case of emergency the right of the private members to have one day in a week may be curtailed with the permission of the President. All that we want, Sir, is that this intention may be made clear, emphatic and definite in the amendment that has been moved by the Government. We want that the right of the private members for non-official business one day in a week be definitely agreed to. The words "every other" are therefore necessary, and they should be put before the words "meeting of the Council." Also, Sir, the words, "unless the Governor otherwise directs", should be omitted and "Government business shall have precedence at every other meeting of the Council," and "emergency" should be added, as was suggested by Sir Nazimuddin in his speech. We want that these words should also be added,—"provided that in case of emergency with the permission of the President Government business may have precedence on that day." We stand upon the speech of the Hon'ble Sir Nazimuddin and standing on that speech we demand that the right of private members to have one day in a week for non-official business be made clear, emphatic and definite.

Secondly, Sir, if that right is to be curtailed in case of emergencies as is done in the House of Commons, that should also be made clear, emphatic and definite in this rule. In order to make all these points clear, we want that the words "unless the Governor otherwise directs" be omitted and the word "other" be added after the word "every".

With these words, Sir, I appeal to the Government to accept this short notice amendment.

Mr. PRESIDENT: Dr. Mookerji, I want you to move your amendment also, so that all the amendments may be considered together.

Dr. RADHA KUMUD MOOKERJI: Sir, I beg to move that in rule 18, for the word "Governor" appearing in line 4, the words "President after consultation with the Leader of the House" be substituted.

Mr. PRESIDENT: Amendment to the amendment moved: that in rule 18, for the word "Governor" appearing in line 4, the words "President after consultation with the Leader of the House" be substituted.

Mr. HUMAYUN KABIR: Sir, with regard to the different amendments which have been moved, so many of them are at cross-purposes that on this amendment the House is more uncertain in its mind than it was when Sir Nazimuddin made his speech. I think he made the Government position pretty clear. From the speech which

he delivered, two or three different conclusions can be drawn. I would go with Mr. Kamini Kumar Dutta so far as to say that the insertion of the word "other" there would definitely make the point clear which Sir Nazimuddin has made——

Mr. PRESIDENT: Order, order. I think there is some difficulty in proceeding with the discussion. I feel that if the House is adjourned at this stage, the hon'ble members may have an opportunity of informal discussions with the Government; and if any amendment acceptable to all the parties is agreed to, I am willing to accept it at short notice. (Khan Bahadur NAZIRUDDIN AHMAD: We are ready, Sir.) I also announce that to-morrow we shall continue the discussion on the draft rules. If the rules are finished before 10 a.m., then we shall take up the Calcutta Municipal (Amendment) Bill. If the rules are not finished to-morrow, the first business to be taken up on the 13th July will be the Calcutta Municipal (Amendment) Bill. After finishing the Municipal Bill, we shall again take up consideration of the Rules. The House now stands adjourned till 8 a.m. to-morrow.

Adjournment.

The Council then adjourned till 8 a.m. on Wednesday, the 12th July, 1939.

Members absent:

The following members were absent from the meeting held on the 11th July, 1939:—

(1) Mr. Narendra Chandra Datta.

(2) Alhadj Khwaja Muhammad Esmail.

(3) Nawabzada Kamruddin Haider.

(4) Alhadj Khan Bahadur Shaikh Muhammad Jan.

(5) Rai Bahadur Satis Chandra Mukherji.

(6) Rai Sahib Jatindra Mohan Sen.

(7) Khan Bahadur M. Shamsuzzoha.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 12th July, 1939, at 8 a.m., being the twenty-ninth day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Draft Rules of Procedure.

Mr. PRESIDENT: There will be no questions to-day. The House will now resume further consideration of the draft rules of procedure for conducting the business of the Council.

The House was adjourned yesterday when it was considering draft rule 18. I would like to know if any agreement has been reached between the parties and if any common formula arrived at.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So far as I understood, Mr. Sarkar's amendment was acceptable to the majority of the honourable members.

There was a suggestion, Sir, that instead of the Governor, the words "Leader of the House" might be substituted, to read as follows:—"the President after consulting the Leader of the House." But it makes no difference, because the Leader of the House will mean the Minister and also because Governor will mean the Government.

Mr. PRESIDENT: The only difference is that in Mr. Sarkar's amendment it was "the Governor after consulting the President," but here, the Minister will have to consult the President. Dr. Radha Kumud Mookerji's amendment is that the President will consult the Ministers—just the other way.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, if the word "Governor" has to be retained, it is natural that it should be "Governor consulting the President," but if we substitute the words "Leader of the House" for the Governor, then, of course, we have no objection if the words are transposed.

Mr. PRESIDENT: I take it that the proposed change is agreed to. The Hon'ble Mr. Sarkar's amendment will then read like this: "Except at the meeting on one day in each week, which shall ordinarily

be Friday, Government business, unless the Governor otherwise directs, shall have precedence at every meeting of the Council, provided that with the permission of the President, Government business may have precedence on that day. The President after consulting the Leader of the House may allot different days for the disposal of different classes of private members' business. On days allotted for any particular class of business, business of that class shall have precedence."

Dr. RADHA KUMUD MOOKERJI: Sir, I formally move my amendment. I am glad to find that the amendment has commended itself to all sections of the House.

Mr. PRESIDENT: As Mr. Sarkar's amendment has been agreed to with some alterations, I think there is no necessity to move yours separately.

The question before the House is that the following amendment be made:—

"Except at the meeting on one day in each week, which shall ordinarily be Friday, Government business, unless the Governor otherwise directs shall have precedence at every meeting of the Council, provided that, with the permission of the President, Government business may have precedence on that day. The President after consulting the Leader of the House may allot different days for the disposal of different classes of private members' business. On days allotted for any particular class of business, business of that class shall have precedence."

(The motion was agreed to.)

Mr. PRESIDENT: All other amendments to rule 18 fall through.

The question before the House is that rule 18, as amended, stand part of the Rules.

(The motion was agreed to.)

Rule 19.

Mr. PRESIDENT: Rule 19 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 19 stand part of the Rules.

(The motion was agreed to.)

Rule 20.

Mr. PRESIDENT: Rule 20 stand part of the Rules.

Mr. NUR AHMED: Sir, may I submit that this amendment is consequential to rule 21. So, my suggestion is, that the amendments to rule 21 be taken first.

Mr. PRESIDENT: As regards renumbering, that can be done by the Secretary under the existing rules. So, you need not move it.

The question before the House is that rule 20 stand part of the Rules.

(The motion was agreed to.)

Rule 21.

Mr. PRESIDENT: Rule 21 stand part of the Rules.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that rule 21 be omitted.

Mr. PRESIDENT: Amendment moved: that rule 21 be omitted. Mr. Deputy President, do you like to say anything?

Mr. DEPUTY PRESIDENT (Mr. Hamidul Huq Chowdhury): Sir, the purpose of this rule is that there should be a Bill Committee which shall sit before private members' Bills are taken up, and they will select about three Bills every session which will have precedence over all other Bills without reference to the priority in which they stand in accordance as they are introduced. A large number of bills without reference to their merits stand according to their order of introduction and thus stand in the way of some very good Bills. Therefore, such a committee will be useful in pushing forward only those Bills which are really worth taking up in the House and which may have reasonable opportunity of being passed from this House to go to the other House. In this view of the matter, the Bill Committee, as proposed in the draft rule No. 21, will be useful as they will be able to examine the merits of the Bills after consultation with all the persons who are interested in them. Therefore, I would move that this rule be accepted and I oppose the Government's amendment.

Mr. PRESIDENT: The question before the House is that rule 21 be omitted.

(The motion was agreed to.)

Rule 22.

Mr. PRESIDENT: Rule 22 stand part of the Rules.

The question before the House is that rule 22 stand part of the Rules.

(The motion was agreed to.)

Rule 23.

Mr. PRESIDENT: Rule 23 stand part of the Rules.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-rule (*1*) of rule 23 for the word "A," the words "An Order paper containing a" be substituted.

Sir, the effect of this amendment would be a change of terminology. The expression "Order paper" appears in parliamentary language and my object is to bring into line our rules with those of the British Parliament.

Mr. PRESIDENT: Amendment moved: that in sub-rule (*1*) of rule 23, for the word "A," the words "An Order paper containing a" be substituted.

Mr. PRESIDENT: The question before the House is: that in sub-rule (*1*) of rule 23, for the word "A," the words "An Order paper containing a" be substituted.

(The motion was agreed to.)

Mr. NUR AHMED: Sir, I beg to move that in sub-rule (*1*) of rule 23, the words "at least one clear day before, except in very emergent cases," be added at the end.

Sir, sometimes we are taken unawares. So, my humble submission is that if this be added, members will have an opportunity of getting the Order paper at least one day before. I have also provided for emergent cases. In emergent cases, the Order paper may be submitted to the members on the day of the meeting. So, this is a very simple amendment and I hope it will be accepted.

Mr. PRESIDENT: Amendment moved: that in sub-rule (*1*) of rule 23, the words "at least one clear day before except in very emergent cases", be substituted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government oppose this amendment on the ground that it is an unnecessary restriction which is being sought to be introduced here. The agenda is not going to be prepared without the permission and approval of the Hon'ble President. So, I think it should better be left to his discretion. If he decides that it is an emergent case, of course, the rule will have to be relaxed; otherwise, I am sure the President will never allow any business to be discussed unless sufficient notice is given.

Mr. PRESIDENT: Before I put it to vote, I can assure the honourable mover that the President and the office will take care to see that one day's notice is given whenever it is possible.

Mr. NUR AHMED: In that case, Sir, may I ask the leave of the House to withdraw my amendment?

Mr. PRESIDENT: Has the honourable member the leave of the House to withdraw his amendment?

(By leave of the House the amendment was withdrawn.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-rule (2) of rule 23, for the words "list of business," the words "Order paper" be substituted.

Mr. PRESIDENT: Amendment moved: that in sub-rule (2) of rule 23, for the words "list of business," the words "Order paper" be substituted.

Mr. PRESIDENT: The question before the House is: that in sub-rule (2) of rule 23, for the words "List of business," the words "Order paper" be substituted.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that rule 23, as amended, stand part of the Rules.

(The motion was agreed to.)

Rule 24.

Mr. PRESIDENT: Rule 24 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 24 stand part of the Rules.

(The motion was agreed to.)

Mr. PRESIDENT: If there is no objection from the Opposition, I would now like to take up the Calcutta Municipal (Amendment) Bill, 1939.

Mr. NARESH NATH MOOKERJEE: Sir, after the statement from the Chair yesterday, we were——

Mr. PRESIDENT: I know that, but I understand that there has been an agreement between the parties.

Mr. NARESH NATH MOOKERJEE: Sir, you clearly stated——

Mr. PRESIDENT: If there is a single dissentient voice, I shall not take up the Calcutta Municipal (Amendment) Bill before I finish these rules, but I may inform the honourable members that whatever progress we make in disposing of the draft rules to-day, the first thing to be taken up to-morrow will be the Calcutta Municipal (Amendment) Bill. The Chair will be glad to adjourn the House to-day, if the House feels that this will enable the members to come to an agreement as to which of the amendments will be moved. I think that procedure will make for speedier disposal of the amendments relating to the draft rules. I understand that the Government wants that I may not proceed further with the rules to-day, as they propose to sit with the Leaders of the different groups and make an attempt to come to a settlement. If this is really possible, then all the rules can be finished within 10 minutes to-morrow.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government will like to take the opportunity of discussing at least some of the amendments with the honourable members and in that view of the matter, I would suggest that the House be now adjourned.

Mr. PRESIDENT: I shall adjourn the House now and vacate the Chair, and the hon'ble members may discuss the matter in the Chamber among themselves.

The House stands adjourned till 8 a.m. to-morrow.

Adjournment.

The Council was then adjourned till 8 a.m. on Thursday, the 13th July, 1939.

Members absent:

The following members were absent from the meeting held on the 12th July, 1939:—

(1) Dr. Arabinda Barua.

(2) Mr. Narendra Chandra Datta.

(3) Mr. Kanai Lal Goswami.

(4) Alhadj Khan Bahadur Shaikh Muhammad Jan.

(5) Khan Bahadur M. Abdul Karim.

(6) Maulana Muhammad Akram Khan.

(7) Rai Bahadur Satis Chandra Mukherji.

(8) Rai Sahib Jatindra Mohan Sen.

B. G. Press—1939-40—5528A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 13th July, 1939, at 8 a.m., being the thirtieth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Stoppage of grants-in-aid to several non-Government institutions.

315. Rai BROJENDRA MOHAN MAITRA Bahadur: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that during the last Civil Disobedience Movement the Government of Bengal stopped grants-in-aid to several non-Government institutions?

(b) If so, how many institutions were deprived of this benefit because of the stoppage?

(c) If the answer to (a) be in the affirmative, is Government considering the desirability of restoring grants-in-aid to those institutions?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes.

(b) Six.

(c) Restoration has been made in the case of four schools. The cases of the other two schools will be considered when funds permit.

The Calcutta Municipal (Amendment) Bill, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Council do take into consideration the Calcutta Municipal (Amendment) Bill, 1939, as originally passed by the Assembly with the amendment made by the Council as well as the one disagreed to by the Assembly.

Sir, it is hardly necessary for me——

Mr. PRESIDENT: Order, order. I think the wording of your motion is not quite clear. It should be, "I move that the Council do take into consideration the Calcutta Municipal (Amendment) Bill, 1939, as now passed by the Assembly, with the amendment made by the Council to which the Assembly disagreed." As we are considering the amendment made by the Council to which the Assembly disagreed, that should be the correct wording; otherwise the meaning that you want to convey will not be clear.

Mr. KAMINI KUMAR DUTTA: Sir, we have not received any copy of the amendment. So, we do not know what we are to consider.

Mr. PRESIDENT: There is no amendment; it is the main motion.

Mr. LALIT CHANDRA DAS: But, Sir, we have not got any copy of the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Perhaps it was circulated yesterday to all honourable members.

Mr. PRESIDENT: Do you like to speak on your motion, Mr. Suhrawardy?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I would only like to point out to the honourable members that this Bill has come back in the form in which it was originally placed before this House, with the very valuable amendment regarding the inverted commas moved by Khan Bahadur Naziruddin Ahmad, which has been accepted by the Assembly. Sir, this is in conformity with the promise which the Government made to the honourable members of this House that they would once again place before them this Bill in its original form. Sir, I do not desire to detract in the slightest degree from the power which this House undoubtedly possesses of revising and amending Bills that may be sent up by the Lower House; but I do desire to urge, in this connection particularly, that they would be good enough not to make any amendment, inasmuch as the provisions of the Bill are the outcome of decisions which we have arrived at after a considerable amount of discussion and after consulting as much public opinion as was possible for us to consult. This is all, Sir, that I have got to say.

Mr. PRESIDENT: Motion moved: that the Council do take into consideration the Calcutta Municipal (Amendment) Bill, 1939, as now passed by the Assembly, with the amendment made by the Council, to which the Assembly disagreed.

Mr. NARESH NATH MOOKERJEE: Sir, are we to take it that the only amendment which the Lower House has made is with regard to nominations?

Mr. PRESIDENT: This House will have only to say whether they agree or disagree to the amendment made by the Assembly.

The question before the House is: that the Council do take into consideration the Calcutta Municipal (Amendment) Bill, 1939, as now passed by the Assembly, with the amendment made by the Council, to which the Assembly disagreed.

Mr. NARESH NATH MOOKERJEE: Shall we not be allowed to have a discussion on this motion, Sir?

Mr. PRESIDENT: There will be another motion on which you may speak.

(The motion was agreed to.)

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move——

Mr. PRESIDENT: Before the Hon'ble Mr. Suhrawardy moves his motion, I would again suggest that he should amend his motion so as to substitute for the words "with the amendment made by the Council and disagreed to by the Assembly," the words "and does not insist on the amendment to which the Assembly disagrees."

The Hon'ble Mr. H. S. SUHRAWARDY: Very well, Sir. I will move my motion in that form, namely, I beg to move that the Council agrees to the Calcutta Municipal (Amendment) Bill, 1939, as now passed by the Assembly and does not insist on the amendment to which the Assembly disagrees.

Mr. PRESIDENT: Motion moved: that the Council agrees to the Calcutta Municipal (Amendment) Bill, 1939, as now passed by the Assembly and does not insist on the amendment to which the Assembly disagrees.

Mr. NARESH NATH MOOKERJEE: Sir, the attitude of our party has all along been one of uncompromising opposition to almost all the clauses of this Bill and even at this stage we wish to record our most emphatic protest against its final passage. It is simply because we feel that Government have used all their power, influence and voting strength to introduce into this Bill or rather retain in this amending Bill the most pernicious principle of "divide and rule" which they could easily have avoided, and not improved the Bill by using the powers

over which they have control, that we have so vigorously opposed this Bill. At this stage, I do not wish to go over the same grounds again: I merely wish to record on behalf of my party our dissent to the vicious principle of nomination to which we can never accord our support. Sir, we feel that the principle of nomination which has been retained in this Bill is not conducive to the best interests of the communities for the benefit of which the Government are supposed to have introduced and retained it. We feel that Government have refused to tell us how they propose to use these 8 nominations. They have in fact vehemently opposed all our efforts to seek light from them as to the reasons which have induced them to retain these nominations intact. This makes us very suspicious. We feel, and I think we are quite right in feeling, that these 8 nominations are going to be used as loaves and fishes merely to strengthen the hold of Government over the various minority parties, and to punish only that section of those communities which are willing to support the Congress or follow the Congress ideals, and at the same time pat on the back that section of those communities which refuses to do so, so that they may cross over to the Government side and desert their own community. I feel,—and I think that at this stage it is better for me to say so frankly—that it is an attempt to introduce a spirit of separatism in the various communities which are at present clinging together. That being so, we cannot but record our most emphatic protest against this system which the Government seeks to introduce. In fact, we feel that the Government have gone a step further than what the Communal Award originally contemplated. They have tried and I think they have succeeded in creating a division in every community by this Bill.

As regards the Scheduled Castes community, I feel that the greatest amount of injustice has been done to them, because there is no principle underlying the policy of Government by which they are seeking to divide this large community into two sections—one to seek representation through the back-door of nomination, and the other to come to the Corporation by direct election. Some influential members of the Cabinet have stated on the floor of the House that it was in pursuance of the definitely-expressed desire of that community that the Government have tried to introduce this provision for nomination. We wish absolutely to deny this statement, because, as is well-known to all sections of this House as well as to yourself, Sir, that such a statement cannot be borne out by facts. I would like in this connection to draw your attention to the various public meetings that have been held since we reduced the number of nominations and sought to give the Scheduled Castes seats in the Corporation through the general electorate. We feel that the greatest amount of injustice has been done to this community. We feel also that if the Government were really sincere, if they really had the interests of all the minority communities at heart, if they were

really desirous of using their power and influence to do justice to all communities, and if they were really willing to hold the scales even, they would not have forced the minority communities to enter the Corporation through the back-door of nomination. They should rather have provided for reservation of seats for representatives of the Scheduled Castes community so as to ensure for them a fair chance of election. I feel that in that event, we on this side of the House would have given them unstinted support irrespective of whether those seats came to the Congress or went to any other side. We maintain also that,—and I think I should make it quite clear here,—we have not opposed this Bill simply because it was against the Hindu community, but we have opposed this Bill on principle. We have felt that there was no principle underlying the various changes that this amending Bill sought to incorporate in the existing Act. If it was any measure which sought to improve the administration or any other defect which is alleged to exist in the Corporation to-day, we can assure the Government as well as my friends on the other side that they would have our unstinted support. (The Hon'ble Mr. NALINI RANJAN SARKER: Well, it is coming.) If it is a measure which is really going to be helpful, you will have our support. I wish to make that point very clear, and I hope my friends on the other side of the House will appreciate the sincerity with which we are making this statement.

It is a matter of regret, Sir, that many of our friends have unwillingly lent their support to this measure. We know that their hearts are with us but that they are powerless to act. We are also very sorry that the European group, who are here as a powerful third party to arbitrate between the various communities in this province, have lent their support to Government without using their influence to improve the Bill, without using their influence to see that the misunderstanding and ill-feeling that this Bill is likely to bring about between the various communities, big and small, is avoided. Sir, I do not wish to make a long speech, because there is no scope for it. All I wish to do to-day is to appeal to my friends on the other side as well as to my friends of the European group to cast their votes unfettered by any prejudice, any bias, or any ill-will towards any community. Sir, the Leader of the European group, Mr. Hunter, has said that he feels that any support that might have been given to the amendments moved by members of the Opposition would be tatamount to giving support to the Left Wing of the Congress. Sir, I wish to make it quite clear to him that in the Corporation, the Left Wing of the Congress is in a very small minority. As I have said before, the stand that the European group have so far taken in regard to matters relating to the Corporation has gone against the interest of the Corporation administration. Sir, the Congress party which have been in charge of the Corporation administration for the last few years have

not been able to do what they had in mind to do, because of the constant opposition that has been put in their way by the combination of the European groups as well as the Independent Hindu group and the other groups. Sir, may I at this stage appeal to my friend Mr. Hunter that he might use his vote on this occasion at least, unfettered by any bias or any prejudice against the Left Wing of the Congress, because I feel sure, Sir, that it is on his support, on his vote to-day that the whole question can be decided. That being so, I hope, Sir, that he will hold the scales even. I do not wish to make any further remark, Sir. I commend my appeal to all sections of the House.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, Mr. Naresh Nath Mookerjee has appealed to our heart. We say that our heart is with them, but our head is against them. In the sorry plight in which the Congress finds itself to-day in the Calcutta Corporation, every one in this House, specially this section of the House, will sympathise with them and lend his heart to them. We find in to-day's papers that there was an unedifying fight last night at the Corporation meeting over certain petty elections in which my honourable friend has taken a very prominent part. In these circumstances, we specially sympathise with them, but our head, that is our judgment, is against them. The Calcutta Corporation, as is well known, rather as is notorious, and as admitted on all hands, is badly managed and that is enough reason why this Bill should be passed in the form in which it has been brought before this House. My friend, Mr. Mookerjee, is not satisfied with the huge majority which they will have even if this Bill is passed. It will be at least 54 against 44. The Hindus as such have a clear majority against Muhammadans, Europeans, Anglo-Indians and the eight nominated Councillors—all taken together. My friend's real difficulty appears to lie in quite a different direction. They want a huge Congress majority, but what the Bill gives them is a very comfortable Hindu majority. He will not be satisfied with that position and in view of the dissensions in their ranks, he wants a more predominant majority of the Congress so that he can trample down the interests and wishes of all minorities. (Mr. RANAJIT PAL CHOUDHURI : Like the Coalition party.) Sir, the Coalition party is a much better party. They are not holding power in the Calcutta Corporation and they are not mismanaging it. Rather they are trying to improve its management. They are merely trying to break a monopoly. In these circumstances, I submit that the only reasonable attitude for this House to adopt would be to accept the motion made by the Hon'ble Mr. Suhrawardy.

Another argument that the other side would advance is that as this House once made an amendment, it would not be quite dignified on the part of the same House again to undo what it had done. I should submit that the result of that day's voting was quite unexpected. It was the result of a snap voting. In fact, nobody could anticipate, nobody could

know what was happening and in a hurry—and in a little scurry also—the amendment reducing the number of nominated seats was carried. That led to a great deal of jubilation in the Congress group and it led to the belief,—a most unfounded belief,—that there has been a division in our ranks. The reason for the snap division was that there was a mistake, a misunderstanding and a mishap. I believe, these three factors were responsible for the result.

Sir, our attitude towards this Bill is exactly the same to-day as it was on that day; we must accept the proposal, and if we do so, the balance between the different communities will, to a certain extent, be restored. I believe that that will give the minorities in the Corporation not a very effective voice, but some little voice and even that my hon'ble friend Mr. Mookerjee will grudge.

With these few words, Sir, I beg to support the motion.

Dr. RADHA KUMUD MOOKERJI: Sir, I have no desire to make any speech at the present stage at which the discussions on the Bill have arrived. I rise only to repeat my charge and my statement against the Government that they are forcing upon the so-called Scheduled Castes community this vicious principle of nomination. I refer the Government to the figures for voting in the other place. It was made absolutely clear at the time of voting on this question in the other place that 14 M.L.A.'s belonging to that class have voted against nomination and a small minority only stood up for that very discredited principle. I therefore repeat my charge, and I hope the Government will be pleased to accept this challenge. They must admit that they are installing this unsound principle of nomination only on their own account for reasons best known to themselves and not out of any regard for the opinion of the community upon which this unwanted device is being forced. I do hope that the Minister in charge of this Bill would make the Government's position quite clear, because he gave us to understand that the Government were proposing nomination out of deference to the wishes of the community concerned. Our information is quite to the contrary and our information is also proved beyond doubt and dispute by the irresistible logic of facts and figures. I do hope that the Government even at this last stage will be fair enough in proving what they indicated, namely, that this nomination was not their own choice, but it was due to the choice of the particular community upon whom the Government is conferring this unwanted favour.

Mr. MESBAHUDDIN AHMED: Sir, I move that the question be now put. It has been sufficiently discussed.

Mr. HUMAYUN KABIR: Mr. President, Sir, the attitude on this Bill of the party to which I belong has throughout been clear. We

are opposed to this Bill, and we have opposed this Bill from the very beginning, because we consider this Bill unnecessary and stupid. I have never left any doubts in the minds of members of this House why we consider this Bill to deserve those two uncomplimentary epithets. I agree with members of the Coalition party when they say that this Bill does not in any material way change the constitution of the Calcutta Corporation to the extent that the Hindu majority remains intact. I would go further than that and say as was stated by Dr. B. C. Roy in an article some time ago, that in spite of this Bill, it is likely that the Congress will perhaps remain in a majority in the Calcutta Corporation. That is a probability, that is not certain; but this much is certain that the Hindu majority in the Calcutta Corporation will not be touched, but the only change which this Bill has introduced is that in the past, the Muslim voters had a share in the election of the Hindu Councillors, and in future they will not. The Hindu Councillors are, under the existing circumstances, bound to remain in the majority, but this Bill has only succeeded in exasperating them in creating communal ill-feeling, in creating bitterness where it was not so pronounced before, and at the same time retaining the communal majority. So long as the constitution of the Calcutta Corporation remains what it is, this state of affairs cannot be changed. That is why I have said this Bill is both stupid and unnecessary.

As has been stated to-day and also before, if this Bill aimed at improving the administration of the Calcutta Corporation, if it sought to give a wider franchise to the people of Calcutta, if it had brought in adult male franchise, or failing that, if it gave the vote to the people in the *bustees*, and in the poorer parts of Calcutta, we would have certainly welcomed this Bill. But this Bill has done nothing of the kind. The old franchise remains, the old types of electorates remain. The only difference is that in place of joint electorates in which the minority had a chance of influencing the decision of the majority of the Councillors, that opportunity of the minority is taken away, and to-day we find Calcutta divided into water-tight compartments of the different communities, and when there are water-tight compartments of this type of the different communities, the communal character of the majority is bound to become insistent. As I have said a moment ago, it is probable that in spite of all these, the Congress might remain in the majority in the Calcutta Corporation, but there is equally the probability that the Congress might be wiped out by the Hindu Mahasabha when the electorate is communal and when it is possible for the Hindu Mahasabha to appeal to the communal passion of the electorate in a way in which it is not possible for the Congress to do. Therefore, Sir, as I have said before, this Bill instead of doing any good whatsoever to the minority community, to the most important minority community of Calcutta, namely, the Muslims, is, on the contrary, going

to do it definite injury, and I am sure the honourable members opposite also will realize that very soon. I would refer them to the experience of the United Provinces.

In the United Provinces, at present there are separate electorates in the local bodies, and it is the Muslim League there,—if it is not the Muslim League, at any rate an important section of the Muslim League in the United Provinces—which is clamouring for joint electorates, because it is only through joint electorates that the Muslims of the United Provinces can hope to influence in any way the decisions of the majority community there. In the local bodies of the United Provinces, the cry for the joint electorates is from the side of the Muslims and not from the side of the Government, and I am sure, with a little more experience, before long in Calcutta also we shall find the Muslims will be demanding joint electorates. Because, in this way and in this way alone, they will be able to influence the decision of the majority party which might come to the Calcutta Corporation.

And I am also confident, Sir, that this Bill which is being put on the statute book to-day is not the final word. In Bengal we are dealing to-day with the impermanence even of the Permanent Settlement. Many permanent things have been altered, and I am also quite confident, Sir, that even if this Bill is passed to-day, even if this House does not stick to its original decision,—its original well-considered and deliberate decision,—but alters this decision to-day and submits to the dictation of Government, even then it will only be for a temporary period. I am quite confident that this Bill will not be on the statute book for more than one election at the most, and I am quite sure, Sir, that when the time of the next election of the Calcutta Corporation comes again, there will be such a change in the state of affairs in Bengal that this black Bill will be wiped out again, and we shall find again joint electorate restored in Calcutta.

With regard to the particular difference between the Assembly and the Council which we are discussing to-day, I would have a few remarks to offer. Sir, it has been stated time and again that it was only a snap vote as a result of which the decision of the Assembly was altered by the Council. That is the usual argument of the Cabinet whenever any particular decision of the Cabinet is modified in the Council. On three or four occasions, this House has exercised its individual and independent judgment and has altered the decision of the Government. On every occasion we have been told that it was a freak vote, that it was a snap vote. On other occasions, the Government always submitted to what it called a snap vote and in this way belied by its action what it said in words. Because, by accepting the decision of the Council, it has shown that it believed that it was the deliberate decision of the Council. I would, Sir, again refer in this connection to the question of the Calcutta

Police Bill, I would refer to the question of the Famine Insurance Bill, and I would refer to the question of the vote on the recent amendment which we passed in this House about reserving to the Legislature the power of control over the rules which are framed from time to time by the Government, and I would go back a year and a half, and refer this House to the occasion when there was a difference between the two Houses over the question of the salary of the President and the Speaker of the two Houses, and on that occasion also the Government did not dare to go against the wishes of the House. Therefore, Sir, this House has shown on more occasions than one that it can alter, and has actually altered, the decision of the Government. On this occasion also, I believe that same thing has happened. On the occasion when the question of the salaries of the President and the Speaker were discussed in this House, there were many on this side of the House who did not agree to the high salary which was proposed by Government but, in spite of that there was no division of the House, because it was a question of the decision of the House as a whole, because it was a question of maintaining the prestige of the House as a whole. We, who were opposed to the increased salary either of the President or of the Speaker, nevertheless, did not raise any voice of opposition, because that concerned the decision of the whole House, and because it was a decision of the Council, Government had to take that into consideration and that is why even to-day that Bill has not been passed. Government had to take note of the decision of the Council and to-day we are in a similar situation. We in this Council, after a great deal of discussion and deliberation, came to a certain decision, and it is not for the Government, none of whose members belong to this House in the strict sense of the term, to say that it is not a decision of the House, that it was a snap vote merely and not the deliberate voice of this Council.

Then, Sir, what is the question at issue? The question is about reducing the proportion of nomination in the Corporation. Government proposed that there should be 8 members who will be nominated to the Calcutta Corporation. I have stated a moment ago, and that statement will bear repetition that, whether you nominate 8 or 10 or 4 persons, the communal proportion in the Calcutta Corporation is not going to be disturbed. The position of the Mussalmans is not going to be improved by separate electorates of the type that Government have seen fit to introduce. That position remains, that fact cannot be altered. Now we are concerned with the question of nomination, and here the Council in its greater wisdom modified the original decision of the Assembly and decided that there should be only 4 nominated Councillors and Government are opposed to this. The honourable member who moved the relevant amendment in this House made it quite clear in his speech and in the subsequent amendment that he moved that he wanted that there should be 4 nominated Councillors only and the remaining 4 seats should

go—3 to the Scheduled Castes and 1 to the Mussalmans. And he was abused—he was attacked in certain Papers—comments were made about his conduct and it was stated that he had betrayed the interests of the Muslim community. To-day we are in this position that Government have brought back that figure of 8 again. They want to nominate 8 persons and they have already given an assurance that 3 of them should go to the Scheduled Castes, and 1 to the Anglo-Indians, but there is no assurance as to what will happen in the case of the Muhammadans. The honourable mover of the amendment who wanted to give 1 additional seat to the Muhammadans was considered to be an enemy of the Muhammadan community, but the Government who oppose that proposal and take away that right and want to distribute its nomination in a way in which no additional seat can be given to the Muhammadans, regards itself as a champion of the interests of Islam in this city.

Sir, what is the position to-day? There are 8 nominations which the Government want to impose upon this House and through this House upon the Calcutta Corporation. Out of these 8, 3 in the Act itself are reserved for members of the Scheduled Caste community; one is reserved, according to an assurance of the Government itself, for the Anglo-Indian community. That makes 4. One is reserved, according to the terms of the Act again, for Labour—that makes 5, and there is one for the Chairman of the Calcutta Improvement Trust—that makes 6 in all. Therefore, we are left only with two seats to disburse. Out of 8 nominations, 6 have already been disposed of. And Government have also stated on more than one occasion that they will make provision for the representation of women in the Calcutta Corporation. Therefore, what is the position? Out of 8 seats which the Government want to impose on the Calcutta Corporation, 8 nominated seats, which the Government want to keep for themselves, 6 seats have already been disposed of and only 2 remain. And somehow or other, provision will be made for finding nomination for women of different communities. Government will keep in mind the claims of the women community in Calcutta. But does that in any way improve upon the position which Khan Sahib Abdul Hamid Chowdhury wanted to bring about? He wanted that there should be 23 representatives of the Muhammadans who will come through election and will therefore actually represent the Muhammadan community in Calcutta. He wanted that there should be 7 members of the Scheduled Castes who will be members of the Calcutta Corporation, and they will all come through election and would, therefore, represent the Scheduled Castes community in Calcutta; but in place of that, the Government want that there should be only 4 Scheduled Caste members coming through elections and therefore they alone will genuinely represent the interests of the Scheduled Castes.

It is a well-known fact, Sir, that nominated members have no caste or community. Nominated members form a community by themselves.

Their only community is the Government community. They are there to carry out the orders of Government, and to reflect the wishes of Government, and in reply to the contention that 3 members of the Scheduled Caste are being nominated by Government, we might say that it is not an addition to the representation of the Scheduled Caste members in the Calcutta Corporation; on the contrary, it is taking away 3 seats from the Scheduled Caste community of Calcutta, because these 3 nominated Scheduled Caste members and 3 out of 4 elected representatives of the Scheduled Caste on the Calcutta Corporation will cancel one another, and therefore the position will be that there will be only one effective vote for the Scheduled Castes on the Corporation. Out of 4 elected representatives, 3 will be counter-balanced by the nominated members. Their votes will be negated by those of the three nominated members, as the 3 nominated members will belong to no community whatever but to that peculiar community, which is called the Government community. Again, with regard to the Muhammadans, the same position holds. There will be only 22 elected representatives of the Muhammadans on the Corporation, and even if out of the two remaining seats in nomination, Government see fit to give one to the Muhammadans, the effect of that will be to cancel the vote of one of the representatives who come through election. The result will be that in effect there will be 21 effective elected Muslim votes on the Corporation. Therefore, even from this point of view, the proposal that Government have brought forward before the House, that this Council do give up its original proposal and go back on its word, and alter its decision, that is a proposal which is not a proper one for the Council to adopt.

Nor is it one which can be accepted if we consider the matter which is being discussed here on its merits. The suggestion of the Government is one which the Council ought not to accept, because I think I have succeeded in proving to the members of this House that the acceptance of the present proposal of Government will in effect result in the diminution of the number of representatives of the Muhammadans and the Scheduled Castes. It would be reducing the Scheduled Caste to only one effective vote and the Muhammadans to 21 in place of 22 which is apparently provided through election in the present Bill. These are some of the considerations which, I am sure, the hon'ble members opposite will remember, and I think, Sir, I am not divulging any secret if I say that even some members of the Cabinet in private discussions admit that this Bill is not going to do any good to the Muhammadans in Calcutta. I would challenge the Hon'ble Mr. Suhrawardy himself who is piloting this Bill at this stage after the Bill was piloted in the first stage by the Hon'ble Mr. Nalini Ranjan Sarker; I would ask Mr. Suhrawardy himself to place his hand on his heart and say that this Bill is going to do any good whatsoever to the Muhammadan community in Calcutta. On the contrary, it will do one thing.

It will do good to one quarter, namely, to those who have power already; I refer to the members of the European group. It is to them only that this Bill will do good.

There is no doubt whatsoever and every student of politics in Bengal to-day knows, that in the Assembly it is the European group which dominates the proceedings. The European group holds the balance and divides the communities against one another and even with 10 per cent. representation, it is in a position to assert itself and maintain the entire power of Government in their hands. I have said before and I repeat that I do not blame them for this—indeed, why should I? It is to their credit if by their ability they take power in their own hands from those who are not fit to use it. I think the present Government of Bengal by their acts have demonstrated that they are not fit to use the power given to them, because they have allowed the Europeans—although a minority of 10 per cent.—to dominate them in the way in which they have dominated them. The same position obtains in this House to-day and an analysis of voting on important occasions will show that it is the vote of the Europeans that have decided the issue. Take away the Europeans' votes and you will find that there has been almost an equal division of opinion on both sides and that these divisions have not been on communal lines. A few Hindus have voted with the Government and some Muslims have voted with the Opposition. And that is the position both in the Upper House and the Lower House. And it has been only the votes of the European group, the only determined group which knows its own mind and wants to maintain its hold as long as it can, which have always decided the issue. This Bill is going to give the same determining position to the European bloc in the Corporation. There will be 12 representatives of the Europeans, or, if not 12, certainly 11. I am sure, Sir, that if and when this new Act comes into operation, we shall find that it will again be the European group which will dominate the whole show.

It is quite clear that the support which the European group has given to this Bill both in the Lower House and the Upper House has been a palpable violation of the principles which they profess to apply in the administration of public affairs in their own country. There is a great difference in the matter of political principles in England and in India. What is good political principle in England, is not good political principle in India, and again and again that flexibility of conscience has been exhibited, and in the conduct of the European group we find one further example of that. Therefore, what they have done is natural, and I was surprised when I found the Whip of the Congress party appealing to the European group for support. Sir, it is no use appealing to them. If you appeal to them, you will be playing into their hands. You will be able to negate that group and reduce it to a position of nonentity only when there is agreement between

the Hindus and Mussalmans of the House! When the Hindus and Muslims are united and are willing to work together, then and then alone will this 10 per cent. votes be of no value whatsoever, but until that time, it is inevitable that through its great political acumen and sense of discipline, the European group will fool us in the way in which they have fooled us in the past. As I have stated, Sir, I will not go into the question in detail now. The attitude of Europeans here has had its repercussions on European politics also. The submissive mentality which they want to instil in our minds has affected their own minds. Otherwise, how can we explain the fact that the British Premier, in spite of the great opposition which he has evoked in the British public, still remains in power. If I can extend the analogy a little further, I may say that that the present Coalition party in Bengal is to some extent like the Conservative party which dominates the British Parliament to-day. There is violent criticism of the proposal of Government, there are violent protests against the decision taken by Government, but when it comes to actual voting, every time we find that Mr. Chamberlain, who is condemned by practically every section of opinion and important section of the Conservative party in England, always wins. That is an example of how the application of different principles in different regions has affected their mentality. It has done in their own country what they seek to do to us, and we find the same sort of submissive mentality affecting their own politics in their own country to-day. However, I shall not address my remarks to the European group any more, because I know that it is in their own interest that this Bill should be passed. I would only ask the Coalition party here to realise by passing this Bill, they will only perpetuate the difficulties that have been the bane of Indian politics.

In conclusion, I would say that it may be that on many occasions communalism has been exhibited from the side of the Hindus—nobody can deny that, and I am sure that a dispassionate and careful student of politics will realise that many difficulties have resulted from this sort of communalism that has been exhibited from time to time by the Hindus, but we must not blame the Hindus for that. Whenever power gradually trickles down from one superior power to one intermediate and subordinate power, it is inevitable that this subordinate power should be jealous of whatever little it gets, but to-day among the Hindus, there is greater consciousness that that sort of communalism will not do. Attempts are now being made on the side of the Hindus to rise above communalism, and if we do not reciprocate the attempts that are now being made by the Hindu nationalists to fight the communalism that is now rising among them, I may say that very soon in India we shall be faced with conflicting communalism which will rise like the surging waves and will make the possibility of India's political development more remote than it need have been. Sir, for the sake of our common nationalism, it is necessary for the Muslims

to-day not to repeat the mistakes which the Hindus have made in the past. Even if the Hindus have made mistakes, we ought to make amends for that to-day. We should not repeat the same mistakes and in this way perpetuate the wrongs which have been going on for the last 150 years and helping the third party to exploit the resources of this country, to exploit the division in this country and in this way to maintain its power and prestige in the world at large. Sir, the members of the Coalition party have a great responsibility upon them. This is the first time when a major portion of the power has been placed upon a party which has been derived mainly from the people of the land, and if to-day, they do not exercise that power with moderation, if to-day they do not exercise that power with statesmanship, with vision and imagination, they will have to answer to history for their failure.

Mr. AMULYADHAN ROY: Sir, perhaps the honourable members of this House have not forgotten that the Opposition the other day threw out a challenge to the Government. The challenge was in order to decide the method of representation for the Scheduled Castes in the Corporation of Calcutta,—nomination or joint electorate, if the Ministry was prepared to meet the Scheduled Caste representatives of the Bengal Legislature at a conference and decide the issue according to the will of the majority. Sir, a similar challenge was thrown out on the floor of the Lower House. The Ministry on account of its weakness and inability to accept the challenge was admittedly defeated. Sir, I shall tell the Hon'ble Mr. A. K. Fazlul Huq to-day that there is a deep-rooted impression in the minds of the Scheduled Castes inside and outside the legislature that this pernicious system of nomination is going to be imposed on our community for the sake of a Minister whose personal interests are involved in the matter. Since the introduction of Provincial Autonomy, that particular Minister has not been able to deliver any goods, but he has been found notorious in doing mischief to his community. He is incompetent to increase the number of seats for the Scheduled Caste community in the Corporation of Calcutta, but he can influence the members of the Cabinet to agree to a provision which will benefit his family. Sir, he was unable to get the Ministry to sanction a recurring grant of 5 lakhs of rupees for the education of young boys of our community, but when under pressure of the Opposition, the amount was granted, he did not loose a moment to avail himself of the opportunity of sending his nephew to England at the cost of other deserving candidates. Sir, in spite of being fortified by the unanimous verdict of the Assembly, he is unable to secure 20 per cent. reservation of seats in the public services for our community, but he can sacrifice the principle of efficiency, disregard the problem of unemployment and relax the rules of age restriction for the sake of appointment of his brother's son-in-law, brother-in-law,

brother-in-law's brother and those who supported him in the past, and might support him in the future. I shall ask the honourable members of the Cabinet why they seal up their mouth to the fair and equitable proposal which we made. As yet no convincing arguments are forthcoming from the Treasury Benches to our proposal to decide this matter by the votes of the majority of the Scheduled Castes members in the Legislature. Sir, the Hon'ble Minister in charge of the Bill is determined to play the role of an abettor for promoting the personal interest of a particular individual at the cost of our community. His patience is not exhausted; he is obstinate in proceedings with this unwanted provision which affects our domestic affairs. Sir, the other day, my honourable friend Mr. Suhrawardy said that most of the members belonging to the Scheduled Castes have pressed him for nomination. I do not know whether he was present the other day in the Lower House. I do not know whether even at this stage he will have the fairness to admit that the majority of the Scheduled Castes are against nomination.

Khan Bahadur NAZIRUDDIN AHMAD: What about the minorities?

Mr. AMULYADHAN ROY: One of my friends, Khan Bahadur Naziruddin Ahmad, a great Advocate of Burdwan, asks, "What about the interests of the minorities?" Sir, it is my friend who is throwing their interests to the tender mercies of the Europeans. Sir, my honourable friend Mr. Rasik Lal Biswas moved an amendment in the Lower House. The amendment ran to this effect:—

> "Of whom 3 shall be members of the Scheduled Castes as recommended by the members belonging to the Scheduled Castes in the Bengal Legislative Assembly and the Bengal Legislative Council in a joint meeting to be held for the purpose."

Sir, when that motion was put to the House, it was clearly shown by the votes of the majority of members of the Scheduled Castes that they did not approve of nomination. I need not read out the names, but I shall submit before you, Sir, for the information of the House that 13 members belonging to the Scheduled Castes voted for the amendment of my honourable friend Mr. Rasik Lal Biswas, and only 8 members and altogether 10 including the two Scheduled Caste Ministers in the Cabinet voted for the Government. Sir, I shall ask my honourable friend Mr. Suhrawardy if still he denies this fact, and if he denies it I am prepared to read out the names. I shall ask again if the Government is still prepared to accept our challenge. I pause for an answer. (There was no answer.) Then, Sir, it is needless for me to argue any longer on the point that the Ministry has been defeated and that they are imposing this pernicious system on our community

against our will. But I tell them frankly and I tell them in most clear terms that time will soon come when they will realise the wrongs that they are going to perpetrate.

Sir, the other day my honourable friend Mr. Suhrawardy told the House that I was defeated in the last general election. The fact that I was defeated by the Congress is known to all. I submit, Sir, before this House for the information of Mr. Suhrawardy that none of the thirty elected Scheduled Caste members in the Lower House got more votes than myself in proportion to population or voting strength except in the constituency of Dacca. But that is another matter.

Then, Sir, another argument of Mr. Suhrawardy was that I am not in touch with the rank and file of my community. As a reply to this charge, I shall ask my honourable friend to refer this matter to his honourable colleague Mr. M. B. Mullick who fled away the other day without having the courage to meet us at a public meeting and took shelter in his steam launch!

With these words, Sir, I oppose the system of nomination and support the principle of election.

Mr. MESBAHUDDIN AHMED: Sir, the question be now put.

Mr. PRESIDENT: I shall accept the closure after the speech of the leader of the Opposition.

Mr. KAMINI KUMAR DUTTA: Sir, during the discussion on this Bill, we have heard enough of communal talks, of the alleged majority of the Hindus and the so-called preponderance of the Muslims. Indeed, against the smoke-screen of communalism the game of sacrificing the cherished principles of democracy has been very successfully played. The most vital issues have been lost sight of and the whole attention was focussed only on the unfortunate communal outlook. Really, it is not so much material whether there is a Hindu majority or a Muslim preponderance in the Corporation for the real benefit of the rate-payers. The real question is whether those who go to the Corporation are the real representatives of the people of the town, and the matter to be considered is not to what particular community they do belong. But unfortunately, Sir, in connection with this Bill, the Ministry has succeeded in creating a very unfortunate communal atmosphere for which I must confess that none of the communities can be said to be free from blame. But still it is not too late. At least, as regards this particular provision of the Bill with which we are concerned to-day, it involves an important question as to whether nomination should be enthroned in the place of free election. I need not dilate at all upon the question whether the system of nomination ought to exist or not. But it cannot be denied that certainly where representatives can be sent through free election, nomination ought not to be resorted to. No

doubt by this clause, as has been sent to us after amendment, provision has been made for a few seats for the members of the Scheduled Castes, but as has been well said by a friend of our belonging to the Scheduled Castes, those members who will be sent through the back-door of nomination do not belong to any caste at all. They have no caste, they are colourless and casteless. They do not represent any class; they do not represent any interests; they do not represent any section of the community. But in this matter, I would take a most serious view of the situation created by the introduction of the pernicious principle of nomination. The members of the Scheduled Castes are striving hard to attain an equal status in the society. Now, by allotting a few seats to them by nomination, it is doing a positive disservice to them in their struggle for improving their position in the community and in the country. It would emasculate the whole community. It would really change their whole outlook. It would generate a feeling of inferiority complex in them, and it would hamper the growth of this community. So, from a nationalist standpoint, I think it is a very mischievous move. By creating that feeling of nepotism in them, it will be really sapping the life-blood of the community as those who go by the back-door of nomination would only utter their masters' voice. They would have no voice of their own. They would not be in a position really to represent the interests of their own community. Now, Sir, it can be said that if this clause as amended by this House be passed, it would reduce the number of the members of the Scheduled Castes by 3. But I am quite confident, Sir, that if we would return this Bill with a message that we insist on the amendment which was made by this House, the general rate-payers of Calcutta will rise equal to the occasion and will certainly send the requisite number of the Scheduled Caste members from the General constituency by the method of free election.

With these few remarks I do insist that this Bill should be returned to the Assembly with the message that we stick to the amendment which was made by this House.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir, after so many speeches I cannot allow an occasion like this to slip past without expressing frankly the point of view of the party to which I have the honour to belong. I beg to record our disagreement with the amendment made by the Lower House with regard to the allocation of seats by nomination. This House made only one amendment reducing the number of nominated seats from 8 to 4. It is well known to this House and to the public that the system of nomination has been condemned throughout the world by all civilised countries; but to minimise the evil effect of nomination we thought of reducing nomination instead of abolishing it altogether, from 8 to 4. Unfortunately, that has been disapproved by the Lower House by an artificial majority. On that day, when the question was

being discussed one of our colleagues, a representative of the Scheduled Caste, I mean my friend Mr. Amulyadhan Roy, had already challenged the Minister about the real position of the Scheduled Caste, and their opinion about the seats given them by nomination. He made it quite clear that day that the Scheduled Caste community did not want to go to the Corporation through the back-door but through the open-door of election. But unfortunately the challenge has not been accepted by Government, and nobody has even spoken a single word against that challenge; so that by their silence they have practically accepted the statement. To-day also my friend has again challenged the Treasury Benches to the same effect, and I do not know what reply he will get. Moreover, Sir, it is a matter of great surprise to us that on that day, not only the Scheduled Caste Minister but no other Minister had spoken on the merits of that amendment. But, Sir, apart from this there is one other factor to which I wish to draw the attention of the House, namely, the representation of commercial bodies in the Corporation. We do not grudge the representation given to the European commercial interests in the Corporation. We do not want that their representation should be reduced, but at the same time we want that the commercial interests of the Indian community should also have some representation in the Corporation. At the present moment, there is not a single representative of Indian commercial interests there, and I do not think that there is any justification for saying that the commercial interests of India should not be represented. We thought and we moved an amendment to the effect that there should be some seats allotted for the representation of the commercial interests of India, *e.g.*, the Bengal Chamber of Commerce, the Indian Chamber of Commerce, the Marwari Chamber of Commerce and the Muslim Chamber of Commerce. These commercial bodies have been recognised even by the British Parliament in the Government of India Act and their claims have been recognised throughout the province in all other associations and other bodies also. But we cannot make out why their representatives should not have a place in the Corporation. With regard to the Bengal National Chamber of Commerce, I am told that a letter was sent to the Government in 1933 to the effect that they should have a representative on the Corporation. When my friend the present Finance Minister was the President of the Bengal National Chamber of Commerce, he advocated that principle but we are disappointed to find that no place has yet been allotted to that body in this Bill. With these remarks, Sir, I oppose the passage of the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, I do not wish to waste the time of the House by indulging in a long and general speech, but will only deal with the speeches of the honourable members. In the first place let me thank Khan Bahadur Nazimuddin Ahmad and the members of the Coalition party for the

support which they have extended to this Bill and for their viewing this Bill in the right perspective. I am grateful to them on account of the support which they have given to the Ministry in this connection.

Mr. Naresh Nath Mookerjee set the ball rolling, and he gave an excellent example of the adage that from the lips of babes we sometimes learn the truth. But babes also prattle and their prattling takes the form of a certain degree of unintelligibility. In this connection, may I deal with some of his remarks? He states that we have embarked on the pernicious principle of divide and rule. I pointed out before, and I reiterate it now, that we have no desire whatsoever to rule,—if at all, we wish rather to terminate rule. What we desire to do is to allow the minority communities a greater chance of their voice being heard and of their voice being made effective. We have no desire whatsoever that one party should dominate any other party. And with this view, after considering the various interests involved, after considering, also that unless we brought a provision of this nature we should not be able to preserve that balance which might permit minority communities to have an effective voice, that this Bill has been framed. He has also spoken of another Bill. He wishes that another Bill may be introduced in this House which may deliberately curb the power of the Corporation and end that period of misrule from which the Calcutta Corporation and the citizens of Calcutta are suffering. We propose to introduce such a Bill and we shall be very glad to have the co-operation of Mr. Mookerjee and his party; that Bill will contain safeguards which, however, will not be of much value unless the parties are so arranged that they are prepared to carry out the purposes of that Bill, which can only happen if one party is not in such a strong position as to defeat the spirit of this Bill. He further says that nomination has been introduced for purposes of punishment. Nomination, Sir, may have been introduced for the purpose of rewarding those who are our friends, but it cannot have been introduced for the purpose of punishing others who are our enemies. We do not, of course, desire to utilise the power of nomination unfairly. We desire to use that power in order that communities may be still better represented, and I believe that whatever may be the statement made by Mr. Amulyadhan Roy on the subject, the Scheduled Caste party in this province is in this position,—particularly the Scheduled Caste population in Calcutta —that they will prefer the system of nomination to the system of joint electorate in which they will be entirely under the heels of the Congress Hindus (Cries of "Question, question".). They will prefer nomination of Government whose views coincide with their views, whose interests coincide with their interests, and who are anxious to promote their interests, rather than accept the nomination of the Congress which has hitherto trampled upon their rights. Mr. Naresh Nath Mookerjee has also said that we are out to do injustice to the Scheduled Castes. I think

I may claim on the contrary that this Government is the first Government in this province that has attempted to do them justice. Governments have come and Governments have gone but none of them have paid the slightest attention either to the existence of the Scheduled Caste party or to their interests. It is this Government that has done so for the first time, and I think the Scheduled Caste community, far from labouring under any sense of injustice by Government, have accepted that we are rendering them true service. We have been told by various persons that we are utilising the Scheduled Castes and one of the arguments advanced by the representative of that community in this House who has come in through the nomination of Congress is that the majority of elected members in the other House were not in favour of the systm of nomination. Now, Sir, leave these members out for the time being. Let us turn to the views of the general public. Mr. Amulyadhan Roy and his group and gang and those persons who think like him have been unequivocally condemned by public meetings——

Mr. SHRISH CHANDRA CHAKRAVERTI: I rise on a point of order, Sir. Is it parliamentary to use the term "gang" in connection with a group in this House?

Mr. LALIT CHANDRA DAS: Does the Hon'ble Minister belong to any gang?

Mr. PRESIDENT: Order, order. I hope the Hon'ble Minister will not use that word again.

The Hon'ble Mr. H. S. SUHRAWARDY: My friends over there may not like this word, but it is a perfectly parliamentary expression, meaning a group, but a group that is not possessed of fine ideas! They have been unequivocally condemned at public meetings of the Scheduled Castes community. Another public meeting of the Scheduled Caste community was attempted to be arranged in such a public place as the Albert Hall which has been the venue of several public meetings and which is a very central place. In that public meeting arranged by Mr. Amulyadhan Roy and his group and persons of his way of thinking only 30 members were present to represent the Scheduled Caste. Out of these 30 members, again, all of them did not belong to the Scheduled Castes. And even members of the Scheduled Castes who were present began to fight among themselves and after that if you come round and say that Scheduled Castes are against the system of nomination, I can only say that you are attempting to mislead the House. What is the purpose of this system of nomination which we are attempting to provide for in this Bill? The Leader of the Opposition said that we are attempting to stifle the growth of the Scheduled Caste and the

promotion of their expansion. On the other hand, we are giving them that opportunity; we want to give them that opportunity, but we do not want to stifle or emasculate them as they have been stifled and emasculated by the Congress Hindus. We want them to expand. We want to rescue people like Mr. Amulyadhan Roy from the grip of the Congress. The same gentleman and the speech which he has made is a key to the action and conduct of the Scheduled Caste members in this House as well as in the other House,—namely, it is not a question of principle but merely opposition to a particular Minister. All of them like to be Ministers themselves, but as that cannot be and as only two members of the Scheduled Castes have been appointed Ministers, the rest want to find a place in the Opposition. Mr. Amulyadhan was the person who opposed even the Poona Pact, who wanted specifically separate electorate for the Scheduled Castes. He opposed the Hon'ble Minister against whom he is speaking now here, who somehow or other found himself a signatory to a representation supporting the Poona Pact. That is Mr. Amulyadhan Roy, and this Mr. Amulyadhan Roy now comes forward and says that the best thing is joint electorate in the country. Mr. Amulyadhan Roy says here that he obtained in proportion or something of that kind—I do not understand what proportion he referred to—the largest number of votes of Scheduled Castes. Such a popular figure amongst the Scheduled Castes is Mr. Amulyadhan Roy! Such a popular figure now finds himself a nominated member of the Congress! It is for people like him that we are introducing this Bill. If you really want the growth and expansion of the Scheduled Castes, well, give them separate electorates and they will really grow. It is merely because that we do not want to take the responsibility of standing before the country and being charged with attempting to divide the Hindu community that we have not given them separate electorates. But truly if you are anxious for their growth, if you want them to expand, then come forward and ask yourselves in their interest that they should be given separate electorates and be permitted to expand as they themselves want. I have told this House before that this partly reserved and partly nominated system is a pretty bad alternative for what was actually the desire of the Scheduled Castes, namely, separate electorate. They wanted separate electorate from us and those members of the Lower House who opposed nomination have done so out of desperation, because we did not give them separate electorate. Now if you really want to do them justice as I would like very much to do—but I am afraid of my honourable friends opposite—you should give them separate electorate and it may yet be that the time may come when they will get what they desire.

Now, Sir, as I have said, sometimes from the lips of babes we get the truth and although this particular babe has not voiced, I believe, the declared policy of the Congress, he has unwittingly voiced their sentiments. Deep down in the heart of the Congress politics they

consider that the European community is the arbiter of our destinies. Deep down in their heart they consider that the Europeans' function is to hold the balance of power and that they are here for the purpose of doing justice between the two major communities. Now, Sir, I emphatically refute that position. They do not hold that position. I hope, Sir, that the voting to-day will show that the European vote would have made no difference to the result of the division. But yet, Sir, although I do not consider the European community the arbiter of our destinies, and I would not like to make them arbiters in the quarrels between the Hindus and Muslims or the Congress and the Coalition party, I value their support. I feel, Sir, that their position is that by a mutual interchange of opinions and of principles we shall always be able to arrive at a just viewpoint. I value their support as I value the support of those Scheduled Caste members who are supporting us, of those Caste Hindus who are supporting us, of those Anglo-Indians who are supporting us, because we desire to try and find, if we can, a measure of compromise and of co-operation with all parties. Sir, I do not desire that they should, and I do not think that they themselves desire to adopt the role of being in the centre and try to mediate between the two, and on many occasions, Sir, the European group has subordinated its cherished views, its cherished opinions to the views of the Coalition party, because they do consider that this Ministry which at present has the good fortune to administer the province does confer certain kinds of benefits to the country, which they do not like to destroy.

Now, Sir, I listened to the speech of Mr. Humayun Kabir with some degree of impatience,—it was a very long speech,—and also with some surprise. I was not quite certain whether it was a Muslim leader of a party of one—or is it a party of two—who was speaking on the floor of this House, or whether it was a Congress Hindu member. Because the words and epithets and everything which he used were mere repetition of the words and epithets which we find uttered almost every day in the columns of the *Hindusthan Standard* and the *Ananda Bazar Patrika*. But of course Mr. Humayun Kabir is entitled to have his own views. If he has sold himself body and soul and conscience to the Congress, I do hope that he will not try and induce the members of the Coalition party to follow in his footsteps. He attempted to adopt towards the end a somewhat peculiar role. He said that we who posed as the champions of Islam in Calcutta have been working against the Muslim interest, and he who was merely voicing the sentiments of the Congress group and uttering their arguments stood forth as a champion of the Muslims of Calcutta and said that this Bill ought to be rejected in the interests of the Muslims. Muslims have spoken for themselves in no uncertain voice and have rejected Mr. Humayun Kabir's leadership and his arguments over and over again. He has one argument

which he repeats *ad nauseam* that joint electorate ought to be maintained, because as he said the minority has a chance of voting for a member of the opposite community, and this gives an added strength of the minority. He thinks that because the minority has a chance of voting for a member of the majority community, therefore the minority's voice is being heard. He forgets the other aspect, namely, the majority has a chance of voting for a member of the minority and when the majority votes for a member of the minority community, it votes for only that member of the minority community who is prepared to subordinate his views and his conscience, body and soul, to the interests of the majority community. He forgets that when the majority community votes for that member of the minority community, that member of the minority community, has got no voice and no contact whatsoever with his own community, and he cannot get the votes of the majority community unless he is prepared to sell his conscience and forego the interests of his own community. Now, Sir, the advantage of a member of the minority community voting for a member of the majority community is practically nil, because his voice is absolutely swamped. Where you have got, say, in a particular place 90 per cent. majority and 10 per cent. minority community, this 10 per cent. minority community, even if it plants all its votes in favour of one person, can be ignored and is being ignored. As I have said, those Congress members who have returned by the joint electorate have refused even to look after the interests of the Muslim rate-payers. It is time, Sir, that an attempt is made once more to try and get such Muslim representatives into the Corporation who will look after their interests.

I think, Sir, this meets all the main arguments that have been advanced from the other side of the House. I will once more request this House to pass the Bill in the form in which it has been presented to this House and honourable members, I think, would be making a mistake if they were to vote against this Bill. The Scheduled Caste members of another place have been referred to. May I point out to the Scheduled Caste members here that in the third reading of the Bill the Congress group did not dare to divide and claim division, because the self-same Scheduled Caste members who find themselves in the opposite benches, as they cannot participate in the administration, refused to vote against the Bill. Therefore, no division was taken, and I merely call the attention of the Scheduled Caste representatives who happen to be members of this House to that aspect of the situation, because whatever may be the position to-day, namely, 4 Scheduled Caste members for the reserved seats and 3 for nominated seats, this is much better than nothing which they are in possession of at the present moment under the old Bill. We are giving them something and this is a fairly good beginning. We shall all of us see how the

new provisions work, whether the Scheduled Castes are able to grow and develop and get to a proper stature. And at that time we all of us will be in a position to ascertain how these measures have affected them. If they come to us and with one voice say "we want joint electorate," we shall be very happy to give it. If they come and say "we want separate electorate" we shall be very happy to give it. It is up to them thereafter to determine their own destinies. We are simply starting them on the road to success. (Cries of "Oh! Oh!" from the Opposition benches.) I hope and I do fervently hope that the Scheduled Castes will continue to prosper and to grow in power and in strength. I ask, Sir, their support to this Bill.

Mr. PRESIDENT: The question before the House is that the Council agrees to the Calcutta Municipal (Amendment) Bill, 1939, as now passed by the Assembly and does not insist on the amendment to which the Assembly disagrees.

The question was put to vote and a division taken with the following result:—

AYES—35.

Ahmed, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Mr. Humayun Reza.
Chowdhury, Khan Bahadur Rezzaqui Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ejlahi, Khan Bahadur S. Fazal.
Esmail, Alhaj Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hossain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Karim, Khan Bahadur M. Abdul.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Mackay, Mr. H. G. G.
Molla, Khan Sahib Sultdali.
Momin, Begum Hamida.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Ross, Mr. J. B.
Roy Chowdhury, Mr. Krishna Chandra, O.B.E.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.

NOES—21.

Banerjee, Rai Bahadur Keshab Chandra.
Barua, Dr. Arabinda.
Bose, Rai Bahadur Manmatha Nath.
Chakraverti, Mr. Srish Chandra.
Chowdhury, Khan Sahib Abdul Hamid.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Dutta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Mukherji, Rai Bahadur Satis Chandra.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Roy, Mr. Amulyadhan.
Sanyal, Mr. Sachindra Narayan.
Sarker, Rai Sahib Indu Bhusan.
Sinha, Rai Bahadur Surendra Narayan.
Sinha, Raja Bahadur Bhupendra Narayan, Nashipur.

(The motion was agreed to.)

Draft Rules of Procedure.

Mr. PRESIDENT: The House will now resume further consideration of the Draft Rules of Procedure for the conduct of business of this House.

Rule 25.

Mr. PRESIDENT: Rule 25 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 25 stand part of the Rules.

(The motion was agreed to.)

Rule 26.

Mr. PRESIDENT: Draft rule 26 stand part of the Rules.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg to move that in rule 26, for the word "twelve" wherever it occurs, the word "fifteen" be substituted.

Sir, 12 days seem to be a very short time and that is why I propose to substitute 15 days for 12, and I think that it is in the interest of the Government to accept it.

Mr. PRESIDENT: Amendment moved: that in rule 26 for the word "twelve" wherever it occurs, the word "fifteen" be substituted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in rule 26 for the word "twelve" wherever it occurs, the word "fifteen" be substituted.

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that draft rule 26 stand part of the Rules.

(The motion was agreed to.)

Rule 27.

Mr. PRESIDENT: Rule 27 stand part of the Rules.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that rule 27 be omitted.

Sir, Rule 27 relates to those subjects for which it is provided in rule 84 (*1*) of the Government of India Act, 1935, that the Governor should frame rules. The Governor did not notify his rules because he wanted to give an opportunity to the House to express its views on the subjects on which he has to frame rules, so that he might know what the views of the House are on those matters. Now, the provision of the Government of India Act is that after the Governor has framed his rules, if there is any inconsistency between the rules framed by the House on those points and the rules framed by the Governor, the Governor's rules shall prevail. So, I suggest that this rule be omitted as the Governor is going to frame his own rules on this matter.

Mr. KAMINI KUMAR DUTTA: Sir, of course the Governor has been given the power by Statute to frame his own rules respecting some matters and in a case where the rules framed by the House are inconsistent with the rules framed by the Governor relating to those specified matters, the rules framed by the Governor should prevail. But at the same time, there is no harm in the House framing all-comprehensive rules. There may be inconsistency or not in the rules so framed with those to be framed by the Governor, and if there be any inconsistency, the law has provided that the rules framed by the Governor should prevail. But there is no bar to our framing any such rules. We are also competent to frame rules and the question as to the validity of our rules will arise only in those instances in which there might appear to be any inconsistency between the rules framed by the Governor and those by the House. So, as the House is competent to frame rules, I think the House should frame rules in respect of all matters as I think that our rules should be all-comprehensive.

Mr. PRESIDENT: I find that there is a difference in the view taken by the Government and the Leader of the Opposition about this rule. Rule 27 as drafted by the Rules Committee is simply a quotation—a verbatim quotation—of rule 25 of our present Adaptation Rules. I appreciate the view of the Leader of the Opposition that since the House has full and complete power, it should frame comprehensive and exhaustive rules. That there is no bar to the House making all-comprehensive rules will be clear from section 84(*1*) of the Government of India Act itself where it is said that "in so far as any rule so made by the Governor is inconsistent with any rule made by a Chamber, the rule made by the Governor shall prevail." But if such rules made by the House go against the rules framed by the Governor concerning his discretionary matters, the rules of the Governor shall prevail. Thus it is clear that the Statute contemplates that the House has every right to frame rules covering all matters. The Chair also thinks that the rules of this House ought to be complete. It is for this reason that I desired the House to incorporate the Governor's rules in the proper

places in our rules. But unfortunately we have not yet received the Governor's rules and so they cannot now be incorporated in our rules. As regards this particular rule, however, there is a further difficulty. I met the Hon'ble the Speaker of the Madras Legislative Assembly the other day and he incidentally referred me to a correspondence that passed between the Government of India and the different Provincial Governors on the subject of framing rules relating to matters regarding decisions of Governors in his discretion or in his individual judgment. Perhaps I am not disclosing a secret when I say that he gave me a copy of that correspondence the whole of which I do not propose to place before the House. I am quoting only the relevant passages which read as follows:—"recently we had occasion in consultation with the Secretary of State to examine more closely the question of the legality of the provisions of rules* 2, 4 and 6 of the Model Draft Rules. The Secretary of State's directions on the subject are as follows: "As regards rules 2, 4 and 6 which purport to enable the Governors to prohibit the asking of any question or discussing any resolution or motion, for adjournment on the ground that it relates to or affects the discharge of his individual judgment or discretionary functions, the Secretary of State is now advised that it is open to much question whether rules 2 and 4 (rule 2 is covered by our present rule), even if from the latter the words "relates to or" were omitted can be held to be *intra vires* of clause (*a*) of the proviso, since it might well be contended that clauses (*c*) and (*d*) were intended to contain an exhaustive enumeration of the matters the raising of which a Governor was entitled to these rules under this section to make dependent upon his personal consent. However that may be, the Secretary of State has no doubt that it was not the intention of the framers of the Act that clause (*a*) of the proviso should be utilised for such a purpose or that the Governors should be empowered by this provision to exercise so far-reaching a censorship over the proceedings of the Legislature, the main purpose for which this provision was inserted in the Act was to enable a Governor by rules such as those enumerated in rule 8 to 11 (inclusive) of the Model Draft Rules to ensure that the exercise of the special legislative powers should not be frustrated by action of a dilatory or obstructive character taken by the Legislature. The Secretary of State is of the view that it is not desirable to maintain in force provisions of rules which are of doubtful validity and for the use of which there would on the merits appear to be no justification. He has accordingly directed that steps should be taken to cancel rules 2 and 4 and to make consequential amendments to rule 6."

Other portions of the same correspondence relate to rule 18 which deals with excess grants with which the House is not concerned at

*These correspond to the Bengal Legislative Council Adaptation Rules and Standing Orders of 1937, sections 25, 90 and 103 (2) respectively.

present. So, I would advise the House to accept the proposal of the Hon'ble Minister and not to insist on this rule, because the Government, as advised, think that this rule should be cancelled.

Mr. MESBAHUDDIN AHMED: Sir, it was decided at the Party meeting that this would be deleted.

Mr. PRESIDENT: Order, order. I certainly expect that what has been mutually agreed to will be followed, but in the House the Chair has absolutely no right to debar anybody from making any speech or raising any objection on a particular point.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I submit one thing, Sir?

Mr. PRESIDENT: I am sorry, in the case of an amendment there is no right of reply.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not replying, Sir: I simply want to make an observation. The Government of Bengal is also advised that what you have stated about the legal position of this particular rule is correct. This rule is not *intra vires* of the Government of India Act, 1935.

Mr. PRESIDENT: I entirely agree with that. Therefore, I advise the House not to insist on this draft rule when Government has suggested that this rule should be omitted.

The question before the House is that draft rule 27 stand part of the Rules.

(The motion was negatived.)

Rule 28.

Mr. PRESIDENT: Rule 28 stand part of the Rules.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I oppose this motion formally, Sir.

Mr. PRESIDENT: The question before the House is that draft rule 28 stand part of the Rules.

(The motion was negatived.)

Rule 29.

Mr. PRESIDENT: Rule 29 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 29 stand part of the Rules.

(The motion was agreed to.)

Rule 30.

Mr. PRESIDENT: Rule 30 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 30 stand part of the Rules.

(The motion was agreed to.)

Rule 31.

Mr. PRESIDENT: The question before the House is that the proposed rule 31 stand part of the Rules.

(The motion was agreed to.)

Rule 32.

Mr. PRESIDENT: Rule 32 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 32 stand part of the Rules.

(The motion was agreed to.)

Rule 33.

Mr. PRESIDENT: Rule 33 stand part of the Rules.

Mr. PRESIDENT: The question before the House is: that rule 33 stand part of the Rules.

(The motion was agreed to.)

Rule 34.

Mr. PRESIDENT: Rule 34 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 34 stand part of the Rules.

(The motion was agreed to.)

Rule 35.

Mr. PRESIDENT: Rule 35 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 35 stand part of the Rules.

(The motion was agreed to.)

Rule 36.

Mr. PRESIDENT: Rule 36 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 36 stand part of the Rules.

(The motion was agreed to.)

Rule 37.

Mr. PRESIDENT: Rule 37 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 37 stand part of the Rules.

(The motion was agreed to.)

Rule 38.

Mr. PRESIDENT: Rule 38 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 38 stand part of the Rules.

(The motion was agreed to.)

Rule 39.

Mr. PRESIDENT: Rule 39 stand part of the Rules.

Rai MANMATHA NATH BOSE Bahadur: Sir, I beg to move—

Mr. PRESIDENT: You cannot move the amendment on behalf of the Raja Bahadur of Nashipur.

Rai MANMATHA NATH BOSE Bahadur: As a matter of fact, it was moved yesterday when it was said that it would be considered to-day, Sir.

Khan Bahadur NAZIRUDDIN AHMAD: On a point of order, Sir. This amendment proposes a new rule: not the rule which we are considering. It is a proposal for the introduction of a new rule. So, this cannot arise at this stage.

Mr. PRESIDENT: Order, order. My difficulty is that an amendment cannot be moved by any member other than the one who had given notice of it. I cannot allow you to move it, Rai Bahadur.

The question before the House is that draft rule 39 stand part of of the Rules.

(The motion was agreed to.)

Rule 40.

Mr. PRESIDENT: Rule 40 stand part of the Rules.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg to move that in rule 40, for the word "is" appearing in line 2, the words "shall be" be substituted.

Mr. PRESIDENT: Amendment moved: that in rule 40, for the word "is" appearing in line 2, the words "shall be" be substituted.

Mr. PRESIDENT: The question before the House is that in rule 40, for the word "is" appearing in line 2, the words "shall be" be substituted.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that draft rule 40, as amended, stand part of the Rules.

(The motion was agreed to.)

Rule 41.

Mr. PRESIDENT: Rule 41 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 41 stand part of the Rules.

(The motion was agreed to.)

Rule 42.

Mr. PRESIDENT: Rule 42 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 42 stand part of the Rules.

(The motion was agreed to.)

Rule 43.

Mr. PRESIDENT: Rule 43 stand part of the Rules.

The Hon'ble Sir BIJOY PRASAD SINGHA ROY: Sir, I formally oppose it.

Mr. PRESIDENT: The question before the House is that draft rule 43 stand part of the Rules.

(The motion was negatived.)

Rules 44 and 45.

Mr. PRESIDENT: Rules 44 and 45 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that the proposed rules 44 and 45 stand part of the Rules.

(The motion was agreed to.)

Rule 46.

Mr. PRESIDENT: Rule 46 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 46 stand part of the Rules.

(The motion was agreed to.)

Rule 47.

Mr. PRESIDENT: Rule 47 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 47 stand part of the Rules.

(The motion was agreed to.)

Rule 48.

Mr. PRESIDENT: Rule 48 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 48 stand part of the Rules.

(The motion was agreed to.)

Rules 49 and 50.

Mr. PRESIDENT: Rules 49 and 50 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 49 and 50 stand part of the Rules.

(The motion was agreed to.)

Rule 51.

Mr. PRESIDENT: Rule 51 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 51 stand part of the Rules.

(The motion was agreed to.)

Rule 52.

Mr. PRESIDENT: Rule 52 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that draft rule 52 stand part of the Rules.

(The motion was agreed to.)

Rule 53.

Mr. PRESIDENT: Rule 53 stand part of the rules. I shall put this rule part by part.

Mr. PRESIDENT: The question before the House is that sub-rule (*1*) of draft rule 53 stand part of the Rules.

(The motion was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH Roy: Sir, I formally oppose sub-rule (*2*) of rule 53.

Mr. PRESIDENT: The question before the House is that sub-rule (*2*) of draft rule 53 stand part of the Rules.

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that sub-rule (*3*) of draft rule 53 stand part of the Rules.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that draft rule 53, as amended, stand part of the Rules.

(The motion was agreed to.)

Rule 56.

Mr. PRESIDENT: Rule 56 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 56 stand part of the Rules.

(The question was agreed to.)

Rule 57.

Mr. PRESIDENT: Rule 57 stand part of the Rules.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in rule 57, in paragraph (*c*) of sub-rule (*2*), after the words "amendment that the Bill be" the words "referred to the Committee of the whole Chamber or be" be inserted. It is merely a formal amendment, Sir.

Mr. PRESIDENT: Amendment moved: that in rule 57, in paragraph (c) of sub-rule (2), after the words "amendment that the Bill be" the words "referred to the Committee of the whole Chamber or be" be inserted.

Mr. PRESIDENT: The question before the House is that in rule 57 in paragraph (c) of sub-rule (2) after the words "amendment that the Bill be" the words "referred to the Committee of the whole Chamber or be" be inserted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is that rule 57, as amended, stand part of the Rules.

(The question was agreed to.)

Rule 58.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I suggest that this rule be left out for the time being, because Government is still examining the amendment to this rule?

Mr. PRESIDENT: All right. Rule 58 is left out of consideration for the time being.

Rule 59.

Mr. PRESIDENT: Rule 59 stand part of the Rules.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to oppose this rule formally.

Mr. PRESIDENT: The question before the House is that rule 59 stand part of the Rules.

(The motion was negatived.)

Rule 60.

Mr. PRESIDENT: Rule 60 stand part of the Rules.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to oppose this rule formally.

Mr. PRESIDENT: The question before the House is that rule 60 stand part of the Rules.

(The motion was negatived.)

Rule 61.

Mr. PRESIDENT: Rule 61 stand part of the Rules.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I formally oppose this rule, Sir.

Mr. PRESIDENT: The question before the House is that rule 61 stand part of the Rules.

(The motion was negatived.)

Rule 62.

Mr. PRESIDENT: Rule 62 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 62 stand part of the Rules.

(The motion was agreed to.)

Rule 63.

Mr. PRESIDENT: Rule 63 stand part of the Rules.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg to move that at the end of sub-rule (2) of rule 63, the following be added, namely:—

"in such a manner as to represent, as far as possible, the different parties in the Council."

Mr. PRESIDENT: Amendment moved: that at the end of sub-rule (2), of rule 63, the following be added, namely:—

"in such manner as to represent, as far as possible, the different parties in the Council."

Mr. MESBAHUDDIN AHMED: I suggest, Sir, that consideration of rule 63 be postponed as examination of all the amendments tabled in connection with this rule has not yet been made by Government.

Mr. PRESIDENT: All right. Further consideration of rule 63 is postponed.

Rule 64.

Mr. PRESIDENT: Rule 64 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 64 stand part of the Rules.

(The motion was agreed to.)

Rule 65.

Mr. PRESIDENT: Rule 65 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 65 stand part of the Rules.

(The motion was agreed to.)

Rule 66.

Mr. PRESIDENT: Rule 66 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 66 stand part of the Rules.

(The motion was agreed to.)

Rule 67.

Mr. PRESIDENT: Rule 67 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 67 stand part of the Rules.

(The motion was agreed to.)

Rule 68.

Mr. PRESIDENT: Rule 68 stand part of the Rules.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg to move that at the end of sub-rule (*1*) of rule 68, the following be added, namely:—

"or in the case of his absence, by a member of the Committee with the permission of the President."

Mr. PRESIDENT: Amendment moved: that at the end of sub-rule (*1*) of rule 68, the following be added, namely:—

"or in the case of his absence, by a member of the Committee with the permission of the President."

Mr. PRESIDENT: The question before the House is; that at the end of sub-rule (*1*) of rule 68, the following be added, namely:—

"or in the case of his absence, by a member of the Committee with the permission of the President."

(The amendment was agreed to.)

Mr. DEPUTY PRESIDENT: I suggest, Sir, that further consideration of rule 68 be postponed as it has not been thoroughly examined.

Mr. PRESIDENT: Very well, further consideration of rule 68 will be taken up to-morrow.

Mr. MESBAHUDDIN AHMED: I think, Sir, we can stop here to-day.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think, Sir, as has already been decided, we can go up to rule 85 and stop there.

Mr. MESBAHUDDIN AHMED: But, Sir, it will be difficult, if we take up a portion here and a portion there, to follow up the rules.

Rules 69-76.

Mr. PRESIDENT: Rules 69 to 76 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 69 to 76 stand part of the Rules.

(The motion was agreed to.)

Rule 77.

Mr. PRESIDENT: Rule 77 stand part of the Rules.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I oppose rule 77, Sir.

Mr. PRESIDENT: The question before the House is that rule 77 stand part of the Rules.

(The question was negatived.)

Rules 78-80.

Mr. PRESIDENT: Rules 78-80 stand part of the Rules

Mr. PRESIDENT: The question before the House is that rules 78-80 stand part of the Rules.

(The motion was agreed to.)

Rule 81.

Mr. PRESIDENT: Consideration of rule 81 is postponed till to-morrow.

Rules 82-84.

Mr. PRESIDENT: Rules 82-84 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 82-84 stand part of the Rules.

(The motion was agreed to.)

Rule 85.

Mr. PRESIDENT: At the request of Government, consideration of this rule also is postponed till to-morrow.

I now adjourn the House till 9 a.m. to-morrow.

Adjournment.

The Council then adjourned till 9 a.m. on Friday, the 14th July, 1939.

Members absent.

The following members were absent from the meeting held on the 13th July, 1939:—

(1) Mr. Narendra Chandra Datta.

(2) Alhadj Khan Bahadur Shaikh Muhammad Jan.

(3) Mr. E. C. Ormond.

(4) Rai Sahib Jatindra Mohan Sen.

B. G. Press—1939-40—5628A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 14th July, 1939, at 8 a.m., being the thirty-first day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

130. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Nur Ahmed): (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state if it is a fact that 15 crore acres of arable land is lying uncultivated?

(*b*) If so, will the Hon'ble Minister be pleased to state what steps he has taken or proposes to take to bring these 15 crore acres of arable land either under cultivation or to turn them into pasture land for the benefit of the people? If not, why not?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) No. The area of uncultivated arable land definitely known to be culturable is 143,060 acres scattered throughout the province.

(*b*) The area of uncultivated culturable land in the province given in answer to (*a*) is normal.

Governor's Assent to the Bengal Rural Poor and Unemployment Relief Bill.

Mr. PRESIDENT: I may inform the hon'ble members that the Bengal Rural Poor and Unemployment Relief Bill, 1939, passed by both Chambers of the Bengal Legislature has been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935.

The House will now resume further consideration of the draft rules of procedure for conducting the business of the Council.

Draft Rules of Procedure.

Mr. NARESH NATH MOOKERJEE: Sir, are we first going to take up those amendments which were passed over?

Mr. PRESIDENT: Yes, we shall take up the rules that were left out yesterday. We shall first take up draft rule 58.

Rule 58.

Rule 58 stand part of the Rules.

Mr. NUR AHMED: Sir, I beg to move that in rule 58, the following proviso be added at the end, namely:—

"Provided that the President, in his discretion, may allow another member to move such motion or may postpone it."

Mr. PRESIDENT: Amendment moved: that in rule 58, the following proviso be added at the end, namely:—

"Provided that the President, in his discretion, may allow another member to move such motion or may postpone it."

Mr. PRESIDENT: The question before the House is that in rule 58, the following proviso be added at the end, namely:—

"Provided that the President, in his discretion, may allow another member to move such motion or may postpone it."

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House that draft Rule 58, as amended, stand part of the Rules.

(The motion was agreed to.)

Rule 63.

Mr. PRESIDENT: Rule 63 stand part of the Rules.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that for sub-rule (*3*) of rule 63, the following be substituted, namely:—

"(*3*) (*i*) The Minister in charge of the department to which a Bill relates shall, if he is a member of the Council, ordinarily be Chairman of the Committee. (*ii*) If such Minister is not a member of the Council, the Committee shall choose a member of the Committee to be their Chairman."

May I move amendment to rule No. 136 also, Sir?

Mr. PRESIDENT: No, let us finish the first one. You can move it separately.

Amendment moved: that for sub-rule (3) of rule 63. the following be substituted, namely:—

"(3) (i) The Minister in charge of the department to which a Bill relates shall, if he is a member of the Council, ordinarily be Chairman of the Committee.

(ii) If such Minister is not a member of the Council, the Committee shall choose a member of the Committee to be their Chairman."

(After a pause) I take it that nobody wants to take part in the discussion on this amendment. I may inform the House that draft rule 63 was incorporated at my suggestion. The House is absolutely at liberty to accept this rule or not, but still I feel it my duty to explain to the House why I made the suggestion which has been embodied in the draft rule. A Select Committee provides a better facility for discussion of the measures that are referred to it. So, it should represent the Council in miniature, its members being drawn in proportion to the strength of the different parties in the House as far as practicable, and its Chairman should be one who, like the President, may take a more or less disinterested view. The function of the Chairman of a Select Committee should be more or less to guide the deliberations, but not to force his views or influence the decision of the Select Committee in any way. In the Central Legislature also, the same procedure is followed. Ever since the constitution of the Legislative Councils in India, the Law Member has generally been the Chairman of Select Committees as it has been felt that he could decide the issues that cropped up before such Committees from the constitutional standpoint without being influenced by any other considerations. I shall now quote the rule that obtains in the Central Legislature regarding the constitution of such Committees. I think the principle underlying the composition of the Select Committees and the election of their Chairmen will be clear. Section 79(i) from the "Manual of Business of Procedure of the Legislative Assembly" reads thus:—"The Member of the Government to whose department the Bill relates, the member who introduces the Bill and the Law Member of the Governor-General's Executive Council, if he is a member of the Assembly, shall be members of every Select Committee, and it shall not be necessary to include their names in any motion for appointment of such a Committee.

(2) The other members of the Committee shall be appointed by the Assembly when the motion that the Bill be referred is made or in the case of a motion made by way of amendment under clause (a) by sub-order (2) of Standing Order 39 at any subsequent meeting, provided that if the Law Member is not a member of the Assembly the Deputy

President or one of the Chairmen of the Assembly (from the panel of Chairmen) shall be appointed a member of the Committee.

(3) The Law Member, or if the Law Member is not a member of the Assembly, the Deputy President, if he is a member of the Committee, and if the Deputy President is not a member of the Committee then a Chairman of the Assembly shall be Chairman of the Committee, and if two or more Chairmen of the Assembly are members of the Committee, then the person whose name appears first in the panel of Chairmen shall be Chairman of the Committee, and in the case of an equality of votes, the Chairman shall have a second or casting vote."

It will now be clear that the principle underlying the selection of Chairmen of Select Committees in the Central Legislative Assembly is to elect those who can usually take dispassionate views on the issues that come up for decision before the Committees. But the amendment proposed by the Hon'ble the Finance Minister suggests that the member in charge of the Bill shall, if he happens to be a member of the House, be the Chairman of a Select Committee. I think in such a case the Chairman will suffer from a double handicap because, being in the chair it will not be possible for him to properly espouse the principles that he wants to be given effect to by the Select Committee, consistently with the convention that the Chairman should be more or less impartial and should not take sides in the deliberations of the Committee. This is presumably the main reason why in the Central Legislature the general practice is not to elect the member in charge of a Bill as the Chairman of a Select Committee even when the Deputy President or any one of the Panel of Chairmen is not available to be the Chairman of such a Committee. Rightly or wrongly, the feeling is there that the member in charge of a Bill with naturally be anxious to get his point of view with regard to that particular Bill carried through the Select Committee and hence such a safeguard has been found to be necessary.

The other difficulty that I want to refer to in this connection is a practical one. In this House here, we have no Ministers enjoying the full rights of members. So, in the Select Committee if he presides, he will have no vote. Having no vote in the House, he will be debarred even from exercising his primary vote not to speak of a second or casting vote. Any person who has no vote in the Chamber cannot exercise a vote in the Select Committee and in case of equality of votes, he cannot help in any way by casting a second vote because he has not got the primary vote even.

From these considerations I made the suggestion which has been incorporated in the draft rules by the Rules Committee. I simply place these facts before the House which is absolutely free to accept my view or not. As Mr. Ormond applied to the Chair to give its

views relating to the draft rules, I only thought it my duty to indicate the difficulties that are likely to arise in case the Hon'ble Mr. Sarkar's amendment is accepted. I think the Chairman of the Select Committee should be an impartial man and not a man who has sponsored a particular Bill and is naturally anxious to get it enacted in the form in which he has presented it before the House. I do not know why the Deputy President did not explain the circumstances under which the rule was incorporated in the Report of the Rules Committee. Government pressed their views in the said Committee and after hearing my views on the matter the Rules Committee decided to accept the principle embodied in the draft rules. They maintain that the Minister in charge of the department to which a Bill relates, the member who introduced the Bill and the other members of the Select Committee shall be named as members in the motion proposing the appointment of the Committee. This makes it necessary that the Chairman of a Select Committee shall be nominated by the President.

My suggestion was that it might be the Deputy President or one of the gentlemen from the panel of Chairmen of this House. But in any case if it is left to the President to nominate, the President's duty will be to select such a man out of the members who really is not a partisan in connection with a particular Bill. That was the reason why the rule was framed in that form. As I said before, it is open to the House to vote in any way they like. I have put forward my views, as I felt that the House must take into consideration the points which induced the Rules Committee to draft the rule in the form in which it has been presented.

Mr. DEPUTY PRESIDENT (Mr. Hamidul Huq Chowdhury): As my name has been mentioned in this connection, I should explain the position. In the original draft which was prepared by me, I quoted the House of Commons Rules, in which it was provided that the Deputy President, who is the Chairman generally of Select Committees in the British Parliament, shall be not only the Chairman of the Select Committee but also the Chairman of the whole House. That was agreed to by the Ministers and a compromise was effected in Darjeeling. In accordance with that compromise, the Rules Committee drafted the rule which says that the Chairmen of Select Committees will be appointed by the President. Now the Government has come forward with an amendment by which they want to introduce the rule which has been followed hitherto, namely, that if the Minister in charge of the Bill concerned be a member of the House, he shall be the Chairman of the Select Committee.

Mr. KAMINI KUMAR DUTTA: May I make a statement, Sir?

Mr. PRESIDENT: You are certainly entitled to discuss the matter. The amendment was proposed by the Finance Minister and I simply thought it my duty to place my views on it. Any other member is surely entitled to place his views before the House in the same way.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: You have called on me to speak, Sir, but I should like to speak with your permission after Mr. Kamini Kumar Dutta has made his statement.

Mr. PRESIDENT: There is no question of making any statement by anybody. I have already called on you to speak.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Very well, Sir. We have listened with very great respect to what you have said, Sir, as regards the traditions of the Central Legislature, but I may submit, this House too is not without its traditions. The parliamentary system of Government has been functioning in Bengal at least for the last 75 years and the system that has developed in this province is that the member in charge of a Bill is invariably the President of the Select Committee. And up till now I do not think there has been any suggestion that the Minister in charge of a Bill ever failed to act impartially. In fact, during the last 10 years it was never my experience that any such allegation was made by any non-official member of this House or of any previous House. Moreover, Sir, the Minister in charge is admittedly in an advantageous position as regards the details, technicalities or practical difficulties of enforcing the Bill. He is also conversant with the administrative difficulties of working the measure. Naturally, he is the proper person in my humble opinion to function as the Chairman of the Select Committee. In the Central Legislature, the Law Member is often the President of Select Committees, but I do not think that by any stretch of imagination it can be suggested that the Law Member is an impartial person. It is true that because of his legal knowledge he presides at the meetings of the Select Committees. But it is also known that when the Law Member is himself piloting a Bill as the member in charge of it, it is he who acts as the Chairman of the Select Committee on his own Bill. So, the question of impartiality does not arise. He is selected mainly because he is the Daw Member and is the Legal Adviser of Government and as a technical man he has got an advantage over other members. That is probably the genesis of the convention that the Law Member is ordinarily selected to be the Chairman of Select Committees.

Then, as regards the selection of an ordinary member of a Select Committee other than the Minister in charge on the ground that he will be non-partisan, I may submit, Sir, that we are developing the party system in this country and our ambition is that the House will act

on party lines. So, it is rather difficult to imagine that other members of Select Committees will be non-partisan any more than the Minister in charge of the Bill. It is true that the Minister in charge is member of a party; he has got his responsibility to the party; he has got his party leanings and we can assume that any other member of the Select Committee has also his party allegiance. So, I do not think it is proper to suggest that the Minister in charge is more a party man than an ordinary member of a Select Committee.

Mr. PRESIDENT: Order, order. Did I understand the Hon'ble Minister to say that it is not fair to suggest? What did he mean by saying "it is not fair to suggest"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Whatever I may have said, Sir, I did not mean any reflection on the Chair.

Mr. PRESIDENT: But what did you mean by saying that it is not fair to suggest?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Probably I said it is not proper to suggest.

Mr. PRESIDENT: Put it in that way. You may always take it that whatever statement the Chair makes, the Chair looks to the best interests of the House and to nothing else, and you should use your expressions very carefully with regard to observations from the Chair.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am very sorry, Sir, that I am not so efficient in the English language as probably you are.

Mr. PRESIDENT: Well, if you are not efficient in the English language, you can speak in Bengali.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Very well, Sir.

Mr. PRESIDENT: What again did you mean by saying "as efficient as you are"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly, Sir, I did not reflect anything upon the Chair. I only referred to my own deficiency.

Mr. PRESIDENT: I shall not tolerate such remarks here. Sir Bijoy Prasad must remember that he is speaking to the Chair.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am very sorry, Sir, but I do not think that it should be a matter of misunderstanding between the Government and yourself. I again repeat that I did not mean any reflection upon the Chair. And I hope that when I say so, you will kindly accept it.

Mr. PRESIDENT: Yes, I accept that statement; but I do not accept the honour that you have paid me by saying that I know English better than the Hon'ble Minister. I believe that every member knows English as well as the Chair.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I only admitted my deficiency and your superiority over me in the matter of knowledge of the English language, but please do not take it as a reflection on yourself.

Then to continue. As regards the Member or Minister in charge not being a member of the Council, if he is not a member of the Council, then he is not going to be the Chairman of the Select Committee.

(At this stage the Government Whip was seen walking across the floor.)

Mr. PRESIDENT: Order, order. No member should walk across the floor of the Council in this way. It is not permissible for any member to canvas on the floor of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the Minister in charge is not a member of the Council, then he will not be the Chairman of the Select Committee and in that case the question of a vote or of a casting vote will not arise. I think that disposes of the point, Sir, which you were pleased to place before the House, and I would request hon'ble members to take the view that I have put forward into their serious consideration and stick to the tradition that this House has created during the last 75 years. Government do not consider it at all necessary to deviate from that tradition and follow the tradition observed elsewhere.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I draw your attention, Sir, to the Chief Whip of the Opposition moving from place to place in this House?

Mr. PRESIDENT: Order, order. No member should move about and canvas on the floor of the House; the lobby is the proper place for it.

Mr. NARESH NATH MOOKERJEE (Chief Whip of the Congress Party): Sir, I was not exactly moving about, but I could not return to my seat during the discussion.

Mr. HUMAYUN KABIR: Sir, I admit that there is a great deal of force in what Sir Bijoy Prasad Singh Roy has said and perhaps we are not justified in making very much distinction from the point of view of partisanship between member and member, but nevertheless, I would like to have from the Government an answer to one question. The Deputy President just now told us that the draft rule as it has been presented in the report of the Select Committee is the result of a compromise. Originally, there was a certain difference between the Deputy President and the members of this House on the one hand and the Government on the other and as a result of discussion in Darjeeling, the draft rule came out in the form in which they have been presented in the report of the Select Committee. Will the Government be pleased to tell us what is it that has happened between that time and now which makes it necessary for them to go back upon the agreement and try to bring back an arrangement which may have existed before? Sir, it may have existed before, but Government must have known of that in Darjeeling and in spite of the fact that this custom obtained in this Council and in this province for a number of years as has been stated by Sir Bijoy Prasad, and while being fully conscious of that, Government yet agreed to the modification and as a result a rule has been suggested in this particular form. What has happened between then and now that we should be asked to go back on the agreed settlement.

On the merits of the question, I will only say this that it may be true that all members are partisans to some extent; where there is a party system of Government there will be party alignments and party allegiances; yet at the same time it will not be unfair to say that a member who has introduced a Bill is himself more interested in the Bill than any other member. It is true that the party as a whole takes up a particular Bill. But nevertheless, the member who has introduced the Bill is more interested in it than the party as a whole. I am sure that hon'ble members of the Coalition Party who have introduced Bills themselves know that even though they have introduced the Bills as members of the party they have not been able to evoke the same amount of enthusiasm in other members which they themselves feel with respect to particular Bills. I am sure, Sir, that the same sort of thing will happen in the case of the Government Bills. The Minister will be no more a partisan perhaps than any other member of the House, but nevertheless, because it is his Bill, he will be more keenly interested in it and feel more strongly about it than any other member of the House.

Sir there is one other point which you have so lucidly placed before the House for discussion. Ministers are not members of this House and, it may be that in a Select Committee, at times there may be a fairly equal division of opinion. There may be occasions where opinion is equally divided on either side, and it may be necessary to decide the question by a final vote, and if the Chairman not being a member of the House, has no final vote——

The Hon'ble Mr. NALINI RANJAN SARKER: He will not be the President or the Chairman then.

Mr. HUMAYUN KABIR: But the second proviso is that if such a Minister is not a member of the Council, the Committee shall choose a member of the Committee to be its Chairman. But it is not stated whether the Minister is excluded or not. The Minister is certainly a member of the Committee, and I think that the second proviso is a clever way of avoiding what is given away in the first half, that is in the first proviso. In sub-rule 3 (*i*) it is stated that the Minister in charge of the department to which a Bill relates shall, if he is a member of the Council, ordinarily be the Chairman of the Committee. There is no question of election at all. But in sub-clause 3 (*ii*) it is provided that even if he is not a member of the Council he still has a right to become its Chairman. That is our objection, Sir. The members who have interrupted me have not really understood the implications of sub-clause (*2*) of clause (*3*) of this particular rule.

Mr. DEPUTY PRESIDENT: Look at section 64 of the Government of India Act.

Mr. HUMAYUN KABIR: If that is convered, this particular difficulty does not arise. But, nevertheless, what I have stated generally is that the member who is in charge of a Bill will be more interested in it. In any case, Government owes an explanation as to why they should now try to upset the arrangement to which they themselves were a party. These two questions will have to be answered before we can agree to accept the amendment of Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I wish to speak only a few words in reply to Mr. Kabir's objection. He has said that a member who has introduced a Bill will be a partisan and so he should not as a matter of fact be chosen as a Chairman of the Committee. But according to the rule proposed any other person than a member who has introduced a Bill may be chosen as the Chairman. It is only members of the Committee who can choose the President from among themselves. But if they find that a particular Chairman is likely to be a partisan, then they will not elect him as their Chairman.

They are certainly at liberty to elect somebody else as Chairman. So, we do not see how there can be raised any objection for acceptance of this amendment. As regards Ministers who are not members of the Council, the real object of sub-section (3) (ii) is that if the Minister is not a member of the Council he will not be automatically a Chairman of the Committee. According to sub-rule (2), it is sufficiently clear from the wording; but if it is necessary to make it more clear then I think a short-notice amendment may be given if necessary to the effect that if such a Minister is not a member of the Council the Committee shall select another member. A short-notice amendment may be made to that effect. Mr. Kabir was also saying that the Minister is also a member of the Committee, but he may be the Chairman only if he is a member of the House, but not otherwise. He will be a Chairman only if he is a member of the House. He cannot be a member of the Committee if he is not a member of the House. If the Minister in charge of the department is not a member of the House, there may be some difficulty. So, it might be slightly amended if necessary.

Mr. KAMINI KUMAR DUTTA: Sir, I think I ought to explain my position first of all to the members of the House. In our informal gathering I tried to reopen this question this morning, but as it appeared that the matter was discussed and was agreed upon in the previous informal gathering, the matter could not be further considered to-day. Now as to this rule, the first clause provides that the Minister in charge of the department to which the Bill relates shall, if he is a member of the Council, ordinarily be Chairman of the Committee. The rule is a very wide one in which it has been provided that the Minister in charge of the department to which the Bill relates shall be the Chairman, whether the Bill is sponsored by him; that is whether it is a Government Bill or it is a private Bill, in which case also it appears he will be the Chairman. Then it may be said how he is interested. Really he will be interested in both ways. If the Bill be a Government Bill, it will be sponsored by the Minister in charge of the department, and in that case, certainly unconsciously he would have a very strong inclination in favour of the Bill; and in case of private Bill on the other hand generally we find that the Government is opposed to the private Bills and there also his inclination would be against the Bill. So, taking any view of the matter, this amendment would make the position of the Government stronger than it ought to be. Because if the Minister would be the Chairman, either in a Government Bill or in a private Bill, the Minister in charge of the department to which the Bill relates would be automatically the Chairman. I do not wish to cast any reflection against the Minister or to impute any sort of bias to his mind, but at the same time, we must not forget human nature.

As I have said, whether he wishes it or not, he must be inclined towards the Government policy. In case of Government Bills he must have a strong inclination for it and in case of private Bills, as we usually find, there also he will be bound to follow the Government policy. He is really the creature of a policy and he cannot keep himself out of the ambit of that policy in any case. So, it is not at all desirable that the Minister should be automatically placed in the position of being the Chairman of a Committee. It will not be really for the welfare of the Committee to have a Chairman provided for in the rule itself and to leave the matter practically fettered in this respect. Even if a Minister would have any sort of personal inclination in the other way, yet as a Minister being a member of the policy which would guide the whole Ministry, he is bound to do his duty. In spite of his own wish to the contrary, he is bound to follow the policy which the Ministry will dictate. So, it is desirable in all cases that the Minister in charge of the department should not be made by the rule itself to be the Chairman of the Committee.

Then it has been said that the Minister being acquainted and conversant with the facts of the Bill, would be in a better position than anybody else. But really the Minister in charge of the department would be a member of the Committee and he would be in a position to help the Committee with all the facts and figures and with his full knowledge of the subject-matter of the Bill without even his being Chairman of the Committee. Rather if he would not be a Chairman of the Committee, he would be in a better position to place facts and figures, to place all the features relating to the subject-matter of the Bill fully before the Committee. Rather his being in the position of the Chairman would handicap him, because the Chairman is expected to be quite impartial. His position is a peculiar one. So, the contention that because the Minister is acquainted with the facts would not really be a point in his favour, but it is rather a point which would go against the Minister being the Chairman of the Committee. Being conversant with the facts he ought to be left quite free to discuss all the aspects of the matter.

Then, as to clause 2, it has been said that if such a Minister is not a member of the Council, the Committee shall choose a member of the Council to be their Chairman. As to the interpretation of that sub-clause, I have not the misunderstanding which my friend Mr. Humayun Kabir entertains. I think if he is not a member of the Council he cannot be a Chairman, and under the Government of India Act itself he has no right of vote. So, by any rule we cannot give him the right of vote. But though it looks quite fair that a Chairman should be elected by the Committee, it means that the majority party in the Committee in all cases will appoint the Chairman. We know it is not the majority voice which really tries to protect the

interests of the minority. It is really for the protection of the minority that an impartial President or an impartial Chairman is required. We well know the phraseology nowadays so very often used all the world over,—there is the tyranny of the majority also. So, taking all aspects of the matter in view, it would be best to leave the selection of the Chairman to the President, as the President knows everything regarding the House and looking to the subject-matter of the Bill itself, the President would be in the best position to make the selection of the Chairman of the Committee.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I consider that the rule that the President should have the right to nominate the Chairmen of Select Committees is a most dangerous one and the House should never accept it. I do not think this aspect of the question has been put before the House so far, namely, that giving this power to the President is likely to bring the President into the arena of party politics. Supposing, the Calcutta Municipal Bill was referred to a Select Committee, and the President was asked to nominate a Chairman to that Committee——

Mr. PRESIDENT: Order, order. I think I should have made it clear at the very beginning that my own suggestion was to follow the Central Legislature's procedure that the Deputy President should be the Chairman if he happens to be a member of the Select Committee, and failing him any gentleman from the panel of Chairmen. That was my own suggestion, and I still prefer that to the compromise which, as the Deputy President said, has been adopted. I shall accept even now a short notice amendment if moved on the same lines, and I think I should explain the whole matter. I am opposed to this amendment on principle. I hope the House will carefully listen to what I say. My point is this. There is a good deal of difference between the British system of parliamentary procedure and the American system. In the British system, they make it a point that the Chairman must be a non-party man and an impartial man. While I do not claim that all arguments are in favour of the British system alone, the American system is that they make the leader of the majority party the Chairman.

The Hon'ble Mr. NALINI RANJAN SARKAR: On a point of order, Sir——

Mr. PRESIDENT: No point of order can be raised when the President is speaking.

So, the House, as I have said, will be perfectly at liberty to make its own choice, but it is my duty to explain why I did not approve of the American system. It will also meet Sir Nazimuddin's point. I do

not agree to the principle that in the Select Committee the majority party should elect its Chairman. According to my conception, the selection by the majority party of a Chairman will be open to objection in the same way as the Minister in charge of the Bill being the Chairman. What is done in this House? You elect a President with what purpose? You can every day come here and elect by majority a President. Yet you elect a person as your President, because his main function is to see that the rules are observed and that there may not be any tyranny over the minority. The same principle I would like to be observed in the case of the Select Committee. I entirely agree with the draft rule and I think the rule that obtains in the Central Legislature is still better. I do not see why there should be any objection to the proposition that the Deputy President should generally be the Chairman of the Select Committees and in case he is not available, any member from the panel of Chairmen should function as the Chairman. That method would save the President from being troubled with the duties of such nomination. If the Deputy President is absent, then automatically, members of the Council forming the panel of Chairmen will be called upon to act as Chairman, one after the other and no case will arise when all the 5 persons will be absent. So far as the Minister is concerned, I do not say that he will willingly and deliberately give any perverse ruling. There may be apprehensions, right or wrong, in the minds of the minorities even in a Select Committee that unconscious bias of the Chairman may be against them. In the Select Committee the ruling of the Chairman is binding and final. If you follow the British tradition, then have a Chairman who will be not only impartial but also above suspicion. So, my own suggestion was to adopt the Central Assembly procedure, according to which the Deputy President should be the Chairman of the Select Committee and failing him any member from the panel of Chairmen of this House. I am against this amendment not for any other ground but because I feel that it is not desirable that a party man should be appointed as Chairman of a Select Committee. As I have said, the Select Committee represents the House in miniature and its Chairman should be a man who will not only be impartial but also above suspicion. I am sorry, I interrupted you, Sir Nazimuddin.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am very glad to find that the Hon'ble President has now accepted my contention that it is extremely inadvisable to give power to the President to nominate the Chairman of the Select Committees. Sir, I shall demonstrate to the House how it is equally inadvisable to accept the proposal made by the Hon'ble the President that we should follow the procedure of the Legislative Assembly. First of all, I would like to point out to the House that the Hon'ble President is not suggesting the procedure of the Legislative Assembly. The fundamental principle behind the

procedure of the Legislative Assembly is that a member of the Government shall be the Chairman of the Select Committees. In case the Law Member is not a member of the Committee then and then only other people come in, just as the President shall first take the Chair in the House, and in his absence the Deputy President will do so and next the members from the panel of Chairmen. So, actually the principle which the Hon'ble President is putting forward is one which has not been tested or practised anywhere else so far.

Now, I come to the point of the practical difficulty of the thing. The Government having a majority in the House can always arrange that neither the Deputy Chairman nor any member of the House belonging to the panel of Chairmen shall be a member of the Select Committee. Then where will you be? If the Minister in charge of a bill wants to be the Chairman of the Select Committee, they can so arrange that none of these people may become members of the Select Committee and if they do not want a particular person who is on the panel of Chairmen but whom they do not want to be Chairman of the Committee, then they will see that he never gets a place on the Select Committee, and that will be most unfair. Therefore, that again is wrong.

Now, Sir, I come to the main point. I do not want to talk anything about myself but here in this House we have got a member who was on the Select Committee of the old Legislative Council when the Bengal Agricultural Debtors Bill was referred to it, and the Minister in charge of the Bill presided over it. Not only the Agricultural Debtors Bill but also the Bengal Rural Development Bill—so most contentious Bills—were got through the Select Committees without the necessity of taking a single vote upon them, and I maintain, Sir, that it is the Minister in charge alone who can do this sort of thing, steer the Bills smoothly through the Select Committee. He knows when to compromise on a point, he knows up to what length he can go in regard to any compromise. If, on the contrary, you have somebody else who does not know all these things, who is not interested in the Bills, then he will not have the patience to go through the whole matter, he may hear both sides and think that the matter has been sufficiently discussed and he will put it to vote. The immediate result of this will be that in the Select Committee you will create division and you will start having things voted upon and by majority of votes will carry everything. Whereas, if the Minister in charge of the Bill is there, he will know how to handle the facts, and he will manage the Select Committee without having to take a single vote and carry the matter through to a decision. And I maintain that this has been done. This is not an imaginary thing to which I am referring, but it is a fact. I am referring—unfortunately he is not here—to Mr. Thompson, for sometime the leader of the European Group, who congratulated me that so far as the Bengal Rural Development Bill was

concerned, the entire Select Committee affair went through without a single division and without ever taking a vote, and practically the same thing was done in the case of the Agricultural Debtors Bill. So, I maintain that there is a definite advantage in having a Minister as the Chairman of the Select Committee. That was the principle that was followed as far as the Assembly is concerned and unless and until you can have either the President or the Deputy President who are absolutely non-partisan and who have always taken up a non-party attitude then and then only I would admit that you can have somebody else in the Select Committee; and even then it will not be advisable to have such men as Presidents of Select Committees. So, I think that it is always advisable that a Minister should be there to see that the matter goes through and I do not think there was any complaint in regard to Select Committees which were presided over by the Ministers of Government. Look at the Assembly Rules. We got everything through practically without a division. And what is more, we got through it without there being an amendment which was not an agreed amendment. Therefore, in view of the practical difficulties I have mentioned, I think that in my opinion it will be more advantageous to have the Minister in charge of the Bill, or the department to be the Chairman of a Select Committee. Therefore, I hope that the House will accept the agreed solution which has been arrived at at the informal meeting.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of information, Sir. The House will perhaps like to be informed as to what rules have been adopted in the Lower House and whether in the other provinces similar rules have been adopted so far as the Upper House is concerned.

Mr. PRESIDENT: I think nobody else is willing to take part in the discussion. Do I take it there is no proposal to give notice of a short-notice amendment which was referred to by Khan Bahadur Saiyed Muazzamuddin Hossain?

Mr. MESBAHUDDIN AHMED: This proposal was agreed to at an informal meeting.

Mr. PRESIDENT: Order, order. I am extremely sorry that what has happened at an informal meeting is being referred to here. I should not have allowed any reference even to what took place in the Select Committee; the proceedings of which are always treated as confidential. Whether at any informal meeting a member is or is not

present and what agreement is arrived at is not the concern of the House, and I shall not allow any discussion of what took place at any informal meeting. One point I want to make clear which Sir Nazimuddin has raised. I would refer him to sub-order (4) of section 79 of the Manual of Business and Procedure of the Central Legislature which runs as follows:—

"(4) If the Chairman is not present at any meeting of the Committee, the person present, if any, who is next in the order given in sub-order (3), may preside and exercise the powers of the Chairman."

There, it is not the Minister in charge, who presides over the Select Committee. If the Law member is not present, it is the Deputy President or any gentleman on the panel of Chairmen who presides.

As I said, I did not like in the beginning to take part in any discussion in the House. I gave my views to the Rules Committee and the House should be unfettered in exercising their right of vote in framing rules in any form it likes. My duty is to administer them in this House. But it was on account of an appeal made to me particularly by Mr. Ormond that I thought it my duty to explain why a particular principle was recommended by me for adoption by the Rules Committee. I appreciate the argument of Sir Nazimuddin in which he approved of the American principle. Really, there are two points of view in this matter and something can be said for each of these two systems. As a matter of fact, in America it is the leader of the majority party who becomes the Chairman, but it is not the English system. I agree, however, that there is much to be said on both sides. Either the leader of the majority party should preside or any impartial man should be set up as the Chairman of the Select Committee. And as Sir Bijoy Prasad has said, the party system is developing in India, that is precisely the reason why I wish that the presiding officer should be a man who is not interested in any party; he should be an impartial man as far as possible. I do not say that a Minister occupying the Chair will be necessarily partial, but I maintain that there may be unconscious bias, or, even if there may not be this unconscious bias, there may a reasonable suspicion of his being so. I want that the Chairman of the Select Committee should be above suspicion.

Mr. HUMAYUN KABIR: Sir, may I enquire if the short notice amendment suggested by Khan Bahadur Saiyed Muazzamuddin Hossain is going to be moved?

The Hon'ble Mr. NALINI RANJAN SARKER: No, that was a suggestion only and not an amendment.

Mr. PRESIDENT: The question before the House is that at the end of sub-rule (2) of rule 63, the following be added, namely:—

"in such a manner as to represent, as far as possible, the different parties in the Council:"

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that for sub-rule (3) of rule 63 the following be substituted, namely:—

"(3) (i) The Minister in charge of the department to which a Bill relates shall, if he is a member of the Council, ordinarily be Chairman of the Committee.

(ii) If such Minister is not a member of the Council, the Committee shall choose a member of the Committee to be their Chairman."

(The motion was agreed to.)

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that in rule 63, the following new sub-rule be added at the end, namely:—

"(4) Casual vacancies on a select committee shall be filled as soon as possible after they occur by nomination by the President from, whenever possible, the party to which the member in whose place the vacancy occurred belonged."

Mr. PRESIDENT: Amendment moved: that in rule 63, the following new sub-rule be added at the end, namely:—

"(4) Casual vacancies on a select committee shall be filled as soon as possible after they occur by nomination by the President from, whenever possible, the party to which the member in whose place the vacancy occurred belonged."

Mr. PRESIDENT: The question before the House is that that in rule 63, the following new sub-rule be added at the end, namely:—

"(4) Casual vacancies on a select committee shall be filled as soon as possible after they occur by nomination by the President from, whenever possible, the party to which the member in whose place the vacancy occurred belonged."

(The motion was agreed to.)

Rai MANMATHA NATH BOSE Bahadur: With your permission, Sir, I beg to omit item No. 6 from my amendment, so that it will read like this:—

That after sub-rule (3) of rule 63, the following new su be added, namely:—

"(4) The Minister-in-charge of the Department to which the Bill relates shall convene the first meeting of the Select Committee not later than a fortnight after the Bill has been referred to it.

(5) A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

(6) If the Select Committee is instructed to report before a certain date, the Committee shall make its report within the period fixed by the Council, unless the Council grants an extension of the said period".

Sir, I move this simply to fill up the gaps. As a matter of fact, these things are necessary in order to give effect to the operations of the Select Committee.

Mr. PRESIDENT: Amendment moved: that after sub-rule (3) of rule 63, the following new sub-rules be added, namely:—

"(4) The Minister-in-charge of the Department to which the Bill relates shall convene the first meeting of the Select Committee not later than a fortnight after the Bill has been referred to it.

(5) A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

(6) If the Select Committee is instructed to report before a certain date, the Committee shall make its report within the period fixed by the Council, unless the Council grants an extension of the said period"

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose the amendment, because it is not necessary. So far as the suggested sub-rule (7) is concerned, rule 125 (2) provides for the procedure and conduct of business at all committees constituted under these Rules.

Mr. PRESIDENT: The question before the House is that after sub-rule (3) of rule 63, the following new sub-rules be added, namely:—

"(4) The Minister in charge of the department to which the Bill relates shall convene the first meeting of the Select Committee not later than a fortnight after the Bill has been referred to it.

(5) A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

(6) If the Select Committee is instructed to report before a certain date, the Committee shall make its report within the period fixed by the Council, unless the Council grants an extension of the said period".

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that rule 63, as amended, stand part of the Rules.

(The motion was agreed to.)

Rule 68.

Mr. PRESIDENT: Now, I will take up rule 68. Rule 68 stand part of the Rules.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move: that in rule 68, the following new sub-rule be added at the end, namely:—

"(6) Copies of the report of a Committee of the whole Chamber or a Select Committee may be made available to members and notice of a motion under sub-rule (3) given before the report is formally presented under sub-rule (1)."

Mr. PRESIDENT: Amendment moved: that in rule 68, the following new sub-rule be added at the end, namely:—

"(6) Copies of the report of a Committee of the whole Chamber or a Select Committee may be made available to members and notice of a motion under sub-rule (3) given before the report is formally presented under sub-rule (1)."

(The amendment was put and agreed to.)

Mr. PRESIDENT: The question before the House is that rule 68, as amended, stand part of the Rules.

(The amendment was agreed to.)

Rule 81.

Mr. PRESIDENT: Rule 81 stand part of the Rules.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that for rule 81, the following be substituted, namely:—

"81. (1) The member in charge of the Bill, after giving seven days' notice or, with the consent of the President, at shorter notice, may move that the amendments be taken into consideration.

(2) No such motion can be moved unless the amended Bill has been made available for the use of members for not less than seven days before the motion is moved, except where the President, in his discretion, suspends the provision of this sub-rule and gives his consent to the moving of such motion at shorter notice."

Mr. PRESIDENT: Amendment moved: that for rule 81, the following be substituted, namely:—

"81. (1) The member in charge of the Bill, after giving seven days' notice or, with the consent of the President, at shorter notice, may move that the amendments be taken into consideration.

(2) No such motion can be moved unless the amended Bill has been made available for the use of members for not less than seven days before the motion is moved, except where the President, in his discretion, suspends the provision of this sub-rule and gives his consent to the moving of such motion at shorter notice."

Mr. PRESIDENT: The question before the House is that for rule 81, the following be substituted, namely:—

"81. (1) The member in charge of the Bill, after giving seven days' notice or, with the consent of the President, at shorter notice, may move that the amendments be taken into consideration.

(2) No such motion can be moved unless the amended Bill has been made available for the use of members for not less than seven days before the motion is moved, except where the President, in his discretion, suspends the provision of this sub-rule and gives his consent to the moving of such motion at shorter notice."

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that rule 81, as amended, stand part of the rules.

(The motion was agreed to.)

Rule 85.

Mr. PRESIDENT: Rule 85 stand part of the rules.

The Hon'ble Mr. MALINI RANJAN SARKER: Sir, I beg to move that for sub-rule (*1*) of rule 85, the following be substituted, namely:—

"(*1*) Any Minister acting on behalf of the Government in the case of a Government Bill or, in any other case, any member, after giving ten days' notice, or with the consent of the President, at shorter notice, may move that the Bill be taken into consideration."

Mr. PRESIDENT: Amendment moved: that for sub-rule (*1*) of rule 85, the following be substituted, namely:—

"(*1*) Any Minister acting on behalf of the Government in the case of a Government Bill or, in any other case, any member, after givin ten days', notice, or with the consent of the President, at shorter notice, may move that the Bill be taken into consideration."

Mr. PRESIDENT: The question before the House is that for sub-rule (*1*) of rule 85, the following be substituted, namely:—

"(*1*) Any Minister acting on behalf of the Government in the case of a Government Bill, or in any other case, any member, after giving ten days' notice or, with the consent of the President, at shorter notice, may move, that the Bill be taken into consideration."

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that rule 85, as amended, stand part of the rules.

(The motion was agreed to.)

Rule 86.

Mr. PRESIDENT: Rule 86 stand part of the rules.

Mr. PRESIDENT: The question before the House is that rule 86 stand part of the Rules.

(The motion was agreed to.)

Rule 87.

Mr. PRESIDENT: Rule 87 stand part of the rules.

Mr. PRESIDENT: The question before the House is that rule 87 stand part of the rules.

(The motion was agreed to.)

Rule 88.

Mr. PRESIDENT: Rule 88 stand part of the rules.

Mr. PRESIDENT: The question before the House is that rule 88 stand part of the rules.

(The motion was agreed to.)

Rules 89, 90, 91 and 92.

Mr. PRESIDENT: Rules 89, 90, 91 and 92 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 89, 90, 91 and 92 stand part of the Rules.

(The motion was agreed to.)

Rules 93 and 94.

Mr. PRESIDENT: Rules 93 and 94 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 93 and 94 stand part of the rules.

(The motion was agreed to.)

Rule 95.

Mr. PRESIDENT: Rule 95 stand part of the rules.

Mr. HUMAYUN KABIR: Sir, I move that in rule 95, for the word "twenty-one" wherever it occurs, the word "fifteen" be substituted.

Sir, the purpose of this amendment is quite simple. Even in the case of Bills, we are required to give 15 days' notice and there is no reason why there should be a differentiation in the case of resolutions. In many cases it is more convenient to members if they are enabled to send notices of resolutions 15 days before the session instead of 21 days. I hope, Sir, that the Government will accept this amendment.

Mr. PRESIDENT: Amendment moved: that in rule 95, for the word "twenty-one" wherever it occurs, the word "fifteen" be substituted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this amendment, because it will be very difficult to examine the whole question within such a short time.

Mr. HUMAYUN KABIR: But what do you do in the case of Bills?

The Hon'ble Mr. NALINI RANJAN SARKER: There are three or four stages in the case of a Bill, but in the case of a resolution it comes straight to the House.

Mr. PRESIDENT: The question before the House is that in rule 95, for the word "twenty-one" wherever it occurs, the word "fifteen" be substituted.

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that rule 95 stand part of the Rules.

(The motion was agreed to.)

Rule 96.

Mr. PRESIDENT: Rule 96 stand part of the rules.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, this may be postponed for the time being.

Mr. PRESIDENT: All right.

Rule 97.

Mr. PRESIDENT: Rule 97 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 97 stand part of the Rules.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose this rule on behalf of the Government.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, it was arranged with Government—

Mr. PRESIDENT: Order, order. I do not want to hear anything about any arrangement. Government have opposed it.

Mr. PRESIDENT: The question before the House is that rule 97 stand part of the Rules.

(The motion was negatived.)

Rule 98.

Mr. PRESIDENT: Rule 98 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that the rule 98 stand part of the Rules.

(The motion was agreed to.)

Rules 99, 100 and 101.

Mr. PRESIDENT: Rules 99, 100 and 101 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 99, 100 and 101 stand part of the Rules.

(The motion was agreed to.)

Rule 102.

Mr. PRESIDENT: Rule 102 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 102 stand part of the Rules.

(The motion was agreed to.)

Rule 103.

Mr. PRESIDENT: Rule 103 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 103 stand part of the Rules.

(The motion was agreed to.)

Rule 104.

Mr. PRESIDENT: Rule 104 stand part of the Rules.

Mr. HUMAYUN KABIR: Sir, I beg to move that in sub-rule (*1*) of rule 104, the words "and the Minister in charge of the department to which the resolution relates" appearing in lines 6, 7 and 8 be omitted.

I shall read the rule before the House and I think that will be enough to convince the House of the necessity of this amendment. In rule 104 as drafted by the Rules Committee, it is provided "notwithstanding anything contained in sub-rule (*2*) of rule 20 on the written requisition of not less than twenty-three members that a resolution be taken out of its turn on a day allotted for the discussion of resolutions of private members, the resolution shall, with the consent of the President and the Minister in charge of the department to which the resolution relates, be given precedence on that day over all other resolutions for which a ballot has been held:

Provided that not more than one resolution shall be given such precedence in any one session of the Council".

And later on it is provided that the Minister will have six days' notice if a resolution is in this way taken out of turn. In sub-clause (*3*) it is provided, "a resolution shall not have precedence under this rule on any day unless the Minister concerned has received at least six days' notice". Therefore, Sir, I fail to see why in rule 104, sub-rule (*1*), it is sought to be provided that no resolution will be taken out of turn unless the Minister concerned gives his consent to the resolution being so moved. In many cases, Sir, it may be that the resolution will try to bring forward a matter which is thought sufficiently important by 23 members of the House and if 23 members of the House think that it is a matter of sufficient importance to be taken out of turn and discussed on the floor of the House and if the President agrees that it is a matter which should be so discussed, I do not see any reason why there should be an additional reference to the Minister concerned, particularly when it is provided that the Minister concerned will have six days' notice. The only argument which could have been brought forward from the side of the Government would have been that resolutions may be sprung upon the Government. If 23 members agree and suddenly a resolution is taken out of turn in this way, the Minister concerned may not be prepared or he may not be in a position to discuss that resolution. But that is provided against in sub-clause (*3*). The Minister concerned will have six days' notice. If he has already six days' notice, why should it be provided in addition that he should also agree to or give his consent to the taking out of turn of such a resolution. It may be in certain cases that a

resolution like this on which 23 members of the House feel strongly may be of a nature which the Ministry does not want to face. I need not give any specific instance, but there may be cases where the Government may not like that a resolution of a particular type should be discussed on the floor of the House, and the Minister concerned merely by not agreeing to it may postpone the discussion in that way, because by ballot that resolution may not be discussed at all. Therefore, Sir, I do not see any reason why this consent of the Minister in charge of the department should be necessary for taking a resolution out of turn,

With these words, Sir, I commend it to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that in sub-rule (*1*) of rule 104, the words "and the Minister in charge of the department to which the resolution relates" appearing in lines 6, 7 and 8 be omitted.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-rule (*1*) of rule 104, the words "and the Minister in charge of the department to which the resolution relates" appearing in lines 6, 7 and 8 be omitted.

The question was put to vote and a division taken with the following result:-

AYES—11

Banerjee, Rai Bahadur Keshab Chandra.
Chakrabarti, Mr. Shrish Chandra.
Choudhury, Mr. Moazzemali.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Khan Bahadur Rezzaqui Haider.
Dutta, Mr. Bankim Chandra.
Dutta, Mr. Kamini Kumar.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Roy, Mr. Amulyadhan.

NOES—25.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Baksh, Mr. Kader.
Barua, Dr. Arabinda.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Hamidul Huq.
Chowdhury, Mr. Humayun Reza.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Hosain, Khan Bahadur Saiyed Muhammad.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Hunter, Mr. H. C. A.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Laidlaw, Mr. W. B. G.
Molla, Khan Sahib Subidali.
Momin, Begum Hamida.
Rahman, Khan Bahadur Ataur.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdul
Ross, Mr. J. B.
Scott-Kerr, Mr. W. F.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Baileswar.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that rule 104 stand part of the Rules.

(The motion was agreed to.)

Rule 105.

Mr. PRESIDENT: Rule 105 stand part of Rules.

Khan Bahadur ATAUR RAHMAN: Sir, with your permission, I wish to make a little correction in my amendment as follows, namely, that after the word "resolution" in line 2, the following words "during the last session" be added. So that the motion will read thus:—

That rule 105 be renumbered as 105(*1*) and after this the following new sub-rule be added, namely:—

"The Minister in charge will place before the Council in the next session what action on the resolution passed during the last session is taken by Government."

Sir, in the very first session of this House, an important resolution was passed but we are still in the dark as to whether those papers are lost in the archives of the Writers' Buildings or in the river Ganges. What we want to know is whether Government took any action on that resolution. For that purpose, I want to introduce this amendment in the Rules.

Mr. PRESIDENT: Amendment moved: that rule 105 be renumbered as 105(*1*) and after this the following new sub-rule be added at the end, namely:—

"(*2*) The Minister in charge will place before the Council in the next session what action on the resolution, passed during the last session, is taken by Government."

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I do not think this amendment is necessary. The information can be elicited by a question.

Mr. PRESIDENT: The question before the House is: that rule 105 be renumbered as 105(*1*) and after this the following new sub-rule be added at the end, namely:—

"(*2*) The Minister-in-charge will place before the Council in the next session what action on the resolution, passed during the last session, is taken by the Government.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is that rule 105, as amended, stand part of the Rules.

(The question was agreed to.)

Rules 106 and 107.

Mr. PRESIDENT: Rules 106 and 107 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that Rules 106 and 107 stand part of the Rules.

(The motion was agreed to.)

Rule 108.

Mr. PRESIDENT: Rule 108 stand part of the Rules.

Mr. PRESIDENT: This is a Governor's rule. I understand it has been settled that the House will not take up the Governor's Rules. So, Mr. Nur Ahmed need not move his amendment to this rule.

Mr. PRESIDENT: The question before the House is that rule 108 stand part of the Rules.

(The motion was agreed to.)

Rules 109, 110, 111 and 112.

Mr. PRESIDENT: Rules 109, 110, 111 and 112 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that Rules 109 to 112 stand part of the Rules.

(The motion was agreed to.)

Rule 113.

Mr. PRESIDENT: Rule 113 stand part of the Rules.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that in sub-rule (1) of rule 113, for the words "in a Minister or a motion disapproving the policy of the Minister in a particular respect," the words "in the Council of Ministers or in a particular Minister or a motion disapproving the policy of a Minister in a particular respect" be submitted.

Mr. PRESIDENT: Amendment moved: that in sub-rule (*1*) of rule 113, for the words "in a Minister or a motion disapproving the policy of the Minister in a particular respect," the words "in the Council of Ministers or in a particular Minister or a motion disapproving the policy of a Minister in a particular respect" be substituted.

Mr. PRESIDENT: The question before the House is that in sub-rule (*1*) of rule 113, for the words "in a Minister or a motion disapproving the policy of the Minister in a particular respect," the words "in the Council of Ministers or in a particular Minister or a motion disapproving the policy of a Minister in a particular respect" be substituted.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that rule 113, as amended, stand part of the Rules.

(The motion was agreed to.)

Rules 114 and 115.

Mr. PRESIDENT: Rules 114 and 115 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 114 and 115 stand part of the Rules.

(The motion was agreed to.)

Rule 116.

Mr. PRESIDENT: Rule 116 stand part of the Rules.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that rule 116 be omitted.

Mr. PRESIDENT: Amendment moved: that rule 116 be omitted.

Mr. DEPUTY PRESIDENT (Mr. Hamidul Huq Chowdhury): Sir, what is the purpose of this amendment?

The Hon'ble Mr. NALINI RANJAN SARKER: This is a matter on which Governor's Rule will be framed under section 84(*1*) of the Government of India Act, 1935; that is why this rule is not necessary.

Mr. PRESIDENT: We have accepted that principle that there will be separate Governor's Rules on certain matters and when these rules are prepared, they will be put in the appropriate places of our rules. The question is that draft rule 116 be omitted.

(The amendment was agreed to.)

The question before the House is that rule 116 stand part of the Rules.

(The question was negatived.)

Rule 117.

Mr. PRESIDENT: Rule 117 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 117 stand part of the Rules.

(The motion was agreed to.)

Rule 118.

Mr. PRESIDENT: Rule 118 stand part of the Rules.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that rule 118 be omitted. Sir, it is for the same reason that a Governor's Rule will be framed on this matter.

Mr. PRESIDENT: Amendment moved: that rule 118 be omitted.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, there is one very important point which we want to impress upon the Ministers, namely, the necessity of clear 4 days before the discussion takes place. That is what we wanted to provide for in our rules and when the Governor's Rules are framed, we think it would be borne in mind that we expect that the Governor's rules should be on the above lines.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, we shall try to do so.

Mr. PRESIDENT: The point is even if we make rules, the Governor under section 84(*1*) is entitled to make rules and if our rule clashes with Governor's rule, the latter will prevail. So, we can only make our suggestion since the Governor's rule will always prevail.

The question before the House is that rule 118 stand part of the Rules.

(The motion was negatived.)

Rule 119.

Mr. PRESIDENT: Rule 119 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 119 stand part of the Rules.

(The motion was negatived.)

Rule 120.

Mr. PRESIDENT: Rule 120 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 120 stand part of the Rules.

(The motion was negatived.)

Rules 121 and 122.

Mr. PRESIDENT: Rules 121 and 122 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 121 and 122 stand part of the Rules.

(The motion was agreed to.)

Rule 123.

Mr. PRESIDENT: Rule 123 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 123 stand part of the Rules.

(The motion was agreed to.)

Rules 124 and 125.

Mr. PRESIDENT: Rules 124 and 125 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 124 and 125 stand part of the Rules.

(The motion was agreed to.)

Rules 126-133.

Mr. PRESIDENT: Rules 126, 127, 128, 129, 130, 131, 132 and 133 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 126, 127, 128, 129, 130, 131, 132 and 133 stand part of the Rules.

(The motion was agreed to.)

Rule 134.

Mr. PRESIDENT: Rule 134 stand part of the Rules.

Rai MANMATHA NATH BOSE Bahadur: Sir, I beg to move that sub-rule (*1*) of rule 134 be renumbered as (*1*) (*a*) and after that the following be inserted, namely:—

"(*b*) Any member may draw attention to a breach of privilege, soon after questions and before the business for the day is entered upon, by making over to the Secretary a written statement to that effect. Such a matter shall be dealt with at once.

(*c*) If the President holds that there is a *primâ facie* case of breach of privilege, he shall refer the matter to the Committee of Privileges constituted under these Rules.

(*d*) The Committee shall take such action as it deems fit on the matter referred to it.

(*e*) Seven members shall form a quorum at a meeting of the Committee".

Mr. PRESIDENT: Amendment moved: that sub-rule (*1*) of rule 134 be renumbered as (*1*) (*a*) and after that the following be inserted, namely:—

"(*b*) Any member may draw attention to a breach of privilege, soon after questions and before the business for the day is entered upon, by making over to the Secretary a written statement to that effect. Such a matter shall be dealt with at once.

(*c*) If the President holds that there is a *primâ facie* case of breach of privilege, he shall refer the matter to the Committee of Privileges constituted under these Rules.

(*d*) The Committee shall take such action as it deems fit on the matter referred to it.

(*e*) Seven members shall form a quorum at a meeting of the Committee".

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, this is unnecessary. It is unnecessarily restricting the power of the President.

Mr. PRESIDENT: As a matter of fact, the President has got the inherent right. Do you like to press it Rai Bahadur?

Rai MANMATHA NATH BOSE Bahadur: I beg leave to withdraw, Sir.

Mr. PRESIDENT: The amendment is by leave of the House withdrawn.

Mr. PRESIDENT: The question before the House is that rule 134 stand part of the Rules.

(The motion was agreed to.)

Rule 135.

Mr. PRESIDENT: Rule 135 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 135 stand part of the Rules.

(The motion was agreed to.)

Rule 136.

Mr. PRESIDENT: Rule 136 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 136 stand part of the Rules.

(The motion was agreed to.)

Rule 136A.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that after rule 136, the following new rule be inserted, namely:—

"136A. Casual vacancies on any Committee of the Council shall be filled in the manner provided in sub-rule (4) of rule 63 and any person nominated to fill such a vacancy shall hold office until the Committee is reconstituted but he shall be eligible for re-election";

and that the following consequential amendments be made to the following rules, namely:—

(1) That in rule 92, all the words beginning with "The President may" and ending with "during the year" be omitted.

(2) That in sub-rule (2) of rule 134, all the words beginning with "casual vacancies" appearing in lines 4 and 5, and ending with "eligible for re-election" occurring in line 11, be omitted.

(3) That in rule 135 the words "and casual vacancies shall be filled by appointment by the President" appearing in lines 9 and 10 be omitted.

Mr. PRESIDENT: New rule proposed: that after rule 136, the following new rule be inserted, namely:—

"136A. Casual vacancies on any Committee of the Council shall be filled in the manner provided in sub-rule (4) of rule 63 and any person nominated to fill such a vacancy shall hold office until the Committee is reconstituted but he shall be eligible for re-election";

and that the following consequential amendments be made to the following rules, namely:—

(1) That in rule 92, all the words beginning with "The President may" and ending with "during the year" be omitted.

(2) That in sub-rule (2) of rule 134, all the words beginning with "casual vacancies" appearing in lines 4 and 5, and ending with "eligible for re-election" occurring in line 11, be omitted.

(3) That in rule 135 the words "and casual vacancies shall be filled by appointment by the President" appearing in lines 9 and 10 be omitted.

Mr. PRESIDENT: The question before the House is that after rule 136, the following new rule be inserted, namely:—

"136A. Casual vacancies on any Committee of the Council shall be filled in the manner provided in sub-rule (4) of rule 63 and any person nominated to fill such a vacancy shall hold office until the Committee is reconstituted but he shall be eligible for re-election";

and that the following consequential amendments be made to the following rules, namely:—

(1) That in rule 92, all the words beginning with "The President may" and ending with "during the year" be omitted.

(2) That in sub-rule (2) of rule 134, all the words beginning with "casual vacancies" appearing in lines 4 and 5, and ending with "eligible for re-election" occurring in line 11, be omitted.

(3) That in rule 135 the words "and casual vacancies shall be filled by appointment by the President" appearing in lines 9 and 10 be omitted.

(The motion was agreed to.)

Rules 137 and 138.

Mr. PRESIDENT: Rules 137 and 138 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rules 137 and 138 stand part of the Rules.

(The motion was agreed to.)

Rule 96.

Mr. PRESIDENT: The only rule now left for consideration is rule 96.

Mr. PRESIDENT: Rule 96 stand part of the Rules.

Mr. PRESIDENT: The question before the House is that rule 96 stand part of the Rules.

(The motion was negatived.)

Short Title.

Mr. PRESIDENT: The question before the House is that the title be added to the rules.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I wish to propose a consequential amendment. I beg to move that in the title of the draft rules the words "and conduct of Business" be omitted. Sir, it is consequential upon the acceptance of the last rule 138. The short name has been given and the long name remains in the heading.

Mr. PRESIDENT: Amendment moved: that in the title of the draft rules, the words "and conduct of business" be omitted.

Mr. PRESIDENT: It is quoted from section 84 of the Government of India Act, 1935. I hope it will not be pressed.

Khan Bahadur NAZIRUDDIN AHMAD: I don't press it, Sir.

Mr. PRESIDENT: The amendment by leave of the House is withdrawn.

Mr. PRESIDENT: The question before the House is that the title be added to these rules.

(The motion was agreed to.)

Mr. PRESIDENT: Order, order. I understand that when we began with the rules, we settled that ordinarily we shall follow the procedure which is observed in the case of Bills. So, there should be something like a third reading.

The question before the House is that the draft rules, as settled in the Council, be passed.

(The motion was agreed to.)

Mr. PRESIDENT: The Deputy President will now present the Report of the Privilege Committee.

Mr. DEPUTY PRESIDENT: Sir, I beg to present the Report of the Privilege Committee regarding one of the leading articles appearing in the newspaper "The Azad" in its issues of the 30th and 31st of May, 1939, which was referred to the Privilege Committee.

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor of Bengal that the Bengal Legislative Council do stand prorogued.

Members Absent.

The following members were absent from the meeting held on the 14th July, 1939:—

(1) Mr. Narendra Chandra Datta.
(2) Khan Bahadur S. Fazal Ellahi.
(3) Alhadj Khwaja Muhammad Esmail.
(4) Mr. Kanai Lal Goswami.
(5) Nawabzada Kamruddin Haider.
(6) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(7) Khan Bahadur M. Abdul Karim.
(8) Maulana Muhammad Akram Khan.
(9) Rai Bahadur Satis Chandra Mukherji.
(10) Mr. E. C. Ormond.
(11) Mr. Sachindra Narayan Sanyal.
(12) Rai Sahib Jatindra Mohan Sen.

APPENDIX

Authorised English translations of the Bengali speeches delivered at the meetings of the Bengal Legislative Council during the May-July Sessions, 1939.

I.—Resolution urging need for devising ways and means of minimising abnormal innundations in certain districts.

(*Speech delivered on 2nd May, 1939, see page 80.*)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: I whole-heartedly support the motion brought forward by Mr. Paul Chaudhury. I belong to North Bengal and shall speak about North Bengal, particularly about Bogra district. The district of Bogra has been divided into two parts by the river *Karatoa*. The Jumuna flows by its eastern side. Although the people of the eastern part had some sort of acquaintance with floods, people in the western part had never known what a flood was like. But at present the Santahar-Fulchari and the Sara-Serajgunj Railway lines have so bounded the country that for the last few years flood has become an annual phenomenon there with the result that houses there are falling, and cultivation is being badly damaged. On enquiry it has been found that the absence of a sufficient number of bridges and culverts in both these railways is responsible for this kind of flood. Formerly, we did not know what was malaria. But since the creation of these two railways malaria has appeared in our eastern part on account of water stagnating in the pools. As for the abundance of water-hyacinth, formerly these weeds used to flow out of the country with the flood water. But, now because they cannot go out, the pest has increased so much. The time is short and my speech is therefore very brief. The motion is an excellent one and I whole-heartedly support it.

II.—Adjournment motion on failure of Government to give adequate protection to prominent Congress leaders during All-India Congress Committee Meeting.

(*Speech delivered on 5th May, 1939, see page 111.*)

Maulana MUHAMMAD AKRAM KHAN: Mr. President, I agree to the principle underlying to-day's motion but not to the details

thereof. Complaint has been made against Government in the motion and the principal occasion for it is Congress-goondaism. From what I know I may say that whenever any hooliganism is committed it may not be described as Congress hooliganism. These are all anti-Congress goondaism. There is, in Bengal, a body of men—the agitators of the Hindu Sabha(?), who have been engaged in a mean conspiracy to ruin and imperil India and the Press in various ways. And that day's hooliganism was the result of that mean conspiracy. So, the hooliganism of that day should not be called Congress but anti-Congress goondaism. Our grievance against Government is that they should have adopted precaution. Having seen the happenings on the 1st day they should have adopted special precautions which they did not. Methinks the reason why Government remained so silent was that they had a sense of shame within them. Besides that they perhaps thought in this strain: "should any *lathi*-blow be dealt to any of those who came there in the name of the Congress, Lalit Das would at once bring forward a motion of adjournment and thereby put us into difficulties, It is therefore far better to let them do what they like. We should better stand aloof and see from a distance what happens". So I say that great caution ought to have been taken.

Then, although there is now difference of opinion in matters political between myself and those who were subjected to this injustice and maltreatment, as an humble co-worker of theirs for a long time I have known very intimately all of them. The fact that their personality —their all-India prestige were roughly handled in Bengal is indeed a matter for shame for the Hindus and Moslems of Bengal. I cannot imagine how we shall show our face when we go outside Bengal for Moslem League or Congress work. Some newspaper published such incivil remarks as that Dr. Profulla Ghosh's head had been broken and that he had boarded the train for Brindaban limping. A person possessing a sense of self-respect would be civil to others. Had the paper possessed common sense the sense of shame would have been too much for it and it would not have made faces like an uncultured person.

Be that as it may, I should like to mention one thing to the Hon'ble Home Minister in regard to the happenings at Wellington Square. In order to prove the gravity of the matter it is necessary to refer to the event. In the reports of cases published in the columns of newspapers we see that a number of persons accused in connection with the incidents at Wellington Square were produced before the court. They were charged with rioting and also with breaking the glass panes of the mosque at Wellington Square. I beg to draw the pointed attention of the Hon'ble Home Minister to this matter. If things like this continue to happen—if individual liberty is thus endangered it will indeed be very difficult for gentlemen to live in Calcutta.

III.—Adjournment motion on failure of Government to give adequate protection to prominent Congress leaders during All-India Congress Committee Meeting.

(*Speech delivered on 5th May, 1939, see page 112.*)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: What I want to say about this matter is that, however much we may be hostilely disposed towards this body it cannot be denied that Congress is the most powerful organisation in India. And Bengal is the birth place of this Congress. Surendranath and other great men of Bengal nursed and fostered it from its very inception. And it fills one with sorrow to see how Bengalis are being driven out of it now. The noble son of Bengal Subhas Chandra, having defeated the nominee of some unknown power, namely, Sitaramya, was elected President for the last Tripuri session of the Congress. The manner in which the people of other provinces, being under the spell of malice against Bengalis, insulted him there and the manner in which the Premier of a province Govinda Ballav Pant, from behind an invisible power, had his resolution passed against him, point to a most undesirable state of affairs. That all these things were done purely under the influence of hatred against Bengal was clearly evident from the words of Babu Rajendra Prasad. Rajendra Babu says that all these do not apply to him but to Subhas Babu. Rashtrapati Subhas Chandra invited the (All-India) Congress Committee to hold its session in Bengal and many from other provinces come here united to defeat Bengali Subhas Chandra. Mr. Pant's resolution had already been passed against him. Having failed to effect a compromise within the Congress in spite of his strenuous efforts he had at last to resign his presidentship. This is an insult not only to Subhas Chandra—not only to Bengali Congress men—not only an insult to the Hindu community but an insult also to all the races and communities of Bengal—to Hindus and Moslems alike. And the youths of Bengal felt extremely insulted at this; and if, for this, in a moment of temporary excitement they had committed anything, it was but quite natural. The way in which men like Govindaballav Pant and Rajendra Prasad insulted Subhas Chandra of Bengal is quite intolerable. I am glad to say that the youths of Bengal are not weak—are not dead and it is because of that, that they gave signs of life. You will perhaps say that the people from other provinces were her guests; but then, they ought to have behaved like guests. Should any person come to our house and stay as a good man should, we must and actually do treat him well. But should we spare one if one enters our house and commits theft there? As an act of retaliation against this insult to Bengal our youngmen in a moment of excitement did not do much. A thousand times more serious than what the youngmen of Bengal did; the men of Govindaballav Pant's party had done. Of course, it will not be out of place to mention here that

certain Bengali Congressmen had sympathy with the Pant resolution. Yet I would never describe what the Bengali youths did towards the non-Bengalis as goondaism. That was merely a hitting back. This is an instinct even with inert beings. So if men with flesh and blood had done anything I would not say that any wrong had been committed. So this petty thing which remained in obscurity has been given a wide publicity by bringing forward this pompous motion. Those who have brought forward this motion are responsible for the wide circulation of the incident. To those who say that they will not be able to show their face in other places, I would say that, but for this discussion here the matter would not have been so widely circulated. Nor did they commit anything so grievous as made it necessary for anybody to go to hospital or do anything like that in consequence. That was quite a paltry incident. It was not new in the history of the Congress. What happened at the Surat Congress? What happened in Madras? When persons belonging to different parties assemble in one place it is not unlikely that some such things will happen. What happens on the floor of the Parliament? In the Parliament of the British the most civilized nation of the world flinging of chairs and beating and many more things take place. I think the Hon'ble Minister has done enough. If he had not put it down,—if he had not made police arrangements the happenings in Jessore would have been re-enacted. Not many days have passed since then. Even a murder had been committed there. So regarding the incidents here the Hon'ble Minister should be praised. This Council is a most indisciplined house where anybody and everybody may do and say as he pleases. It is because of that, that such as unnecessary motion has been brought forward here. In my opinion this motion should be withdrawn. I request Mr. Kader Bux to withdraw this motion. Let him not heap disgrace upon Bengal by giving publicity to this matter in this way. Not only Congress—not only the Hindus alone but every Bengali feel insulted by this.

IV.—The Bengal Finance Bill, 1939.

(Speech delivered on 12th May, 1939, see page 311.)

Maulana MUHAMMAD AKRAM KHAN: Mr. President, the Bill which has been so much discussed and debated upon for the last few days contains 9 clauses only. The manner in which those clauses have been examined has both surprised and pleased me. For, it has been repeatedly said on behalf of the movements called the Labour and Kishan Movements which have been started in our country that Congress is, in truth, an organisation of the vested interests—a bourgeoise body. On account of my past connection with the Congress I could not put much faith in those allegations. But in the course of this

debate the mentality which was again and again betrayed by the Congress party has raised the question within me as to whether these allegations can be true or not. First, the principal point about this Bill is that an annual tax of Rs. 30 will be imposed upon those whose annual income is, at the lowest, Rs. 2,000. But our Congress friends under the spell of their old bourgeois mentality are making suggestions which have taken up three days of the House without leading to anything definite. It has been suggested that an annual income of Rs. 5,000 instead of Rs. 2,000 should be fixed as the minimum taxable amount so that men of their class might be exempted from the payment of this tax. Then came the suggestion that Rs. 20 and not Rs. 30 should be fixed. In order that the well-to-do persons might get some advantage it is suggested that the law should be in force for only one year.

So far as I remember, last year when the Hon'ble Finance Minister presented the Budget before the Assembly Professor Humayun Kabir attacked the Budget saying that it was "a middle class Budget". The Budget was, then, cursed as being favourable to the middle class interests. This is what happened if I remember aright. (Hon'ble Mr. N. R. Sarker—yes, he said so.) Then there is no doubt about it. But to-day I see Professor Kabir, the constant supporter of the Congress Benches is very anxious to safeguard the interests of those middle class Bengalis. We are therefore unable to understand what his words mean to convey. For opposing Government if necessary now you must say: "Because it is favourable to the middle class I oppose it" and then— "Because it is not favourable to the middle class I protest against it". This may be good as political tactics but from the point of view of justice and principle it is not tolerable.

My second friend Professor Radhakamal Mukerji, in trying to oppose the Bill by means of using adjectives, has only lent support to it. The adjective—"bias towards communism" which he has used—does he mean to convey by it that he secretly supports this Bill. In so far as we can appreciate the significance of his use of "bias towards communism", the following would appear quite applicable in the case of Professor Mukherji—"you are aware whose name a woman would not utter; I can only describe (him) by means of adjectives only." And it may be said without doubt that he has proved himself a principal supporter of this Bill by his use of adjectives.

V.—The Bengal Finance Bill, 1939.

(Speech delivered on 12th May, 1939, see page [illegible].)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Mr. President, it is very true that to carry on administration money is required. And it is also true that this money the Ministers will not pay out of their

own pockets. And if administration must be carried on you cannot do without taxation. What is necessary is that taxes should be fixed in such a manner as may not cause hardship to the people. The tax which is imposed after taking this matter into consideration, is a commendable tax. The tax which we are now engaged in debating upon has already been passed by the Council (?). I do not know whether it will be advisable to discuss it once again. Nor will such a discussion be of any avail.

Secondly, whether you call this a tax or anything else, it will not certainly affect the poor people. Yet, I cannot but say one thing. That will perhaps displease our Khan Bahadur. He was once a Deputy Commissioner of Income-Tax. The officers of the Income Tax Department very often show income by imposing income-tax upon persons whose incomes do not actually come up to two thousand per year. I am, therefore, of opinion that this tax should have been imposed not on persons earning Rs. 2,000 per year but on persons having an annual income of Rupees three or four thousand. Many of the amendments made from the Congress Benches are not bad simply because they have emanated from Congress men. Nor can it be said that whatever proposals come from the Coalition party are always good. The Congressites, too, like the Coalitionists belong to this country. I do not therefore think that the suggestion to fix the tax upon incomes of three thousand and more was a bad proposal. For, as I have already said, persons who pay tax because they have an annual income of two thousand rupees are the persons who suffer the most. Besides this, the proposal to restrict the operation of this law to one year also was not a very bad suggestion. But this is also true that the Ministers cannot do without imposing taxes. For, if administration is to be carried on, taxes will have to be imposed. Nor can I say that this tax is a wrong step, because it will not in any way affect the poor. Of course it would have been much better if the tax had been imposed on persons earning Rs. 3,000 and more instead of on persons earning Rs. 2,000 and more.

VI.—The Calcutta Municipal (Amendment) Bill, 1939.

(*Speech delivered on 24th May, 1939, see page 555.*)

Khan Bahadur Maulvi MUHAMMAD IBRAHIM: Discussions about Hindu-Moslem problem have made even this cool room too hot (laughter). Congress or Moslem League—no party is to be beaten by the other. None yields to the other in propagating the poison of communalism. They have made the house too hot for us. The law which should be framed for the Calcutta Corporation should be an ideal one, because after this model the mufassal municipalities are run. Leaving aside everything else I cannot help saying one thing at least about the Bill which has been drafted for the amendment of the

Calcutta Municipal Act. In this city of Calcutta women as a class have acquired so much strength that they can now stand on an equal footing with men. But I see that no provision has been made for these women in this Bill. Provisions have been made for labour and even for depressed classes but for these women who form no less than half the population of this city, among whom the number of the educated is not inconsiderable and who will not, I think, be inferior to men in merit and intelligence, nothing has been done in this Bill. The Chief Minister also has said nothing about it. And there is Mr. Sarker (Hon'ble Mr. SARKER: They will be given nomination) from whom we expect a satisfactory reply. Were they consulted when the Bill was drafted? Or, did the Ministers themselves settle everything? I am afraid none among the women was consulted. Had their opinion been consulted some provisions would surely have been made for them. There is yet time. I appeal to Government not to neglect the race of mothers. It is my firm conviction that without their progress, neither the nation nor the community nor the individual can make any headway. I do therefore hope that some sort of provisions should be made for them in this Bill. If you remain occupied with only quarrelling over Hindu and Moslem questions, whether you serve the Congress or the Moslem League you will be able to do nothing fruitful. Good must first be done to the womenfolk. They should be gradually admitted to some appointments. Without this, society cannot improve. They must anyhow be awakened. But unless they come out into the active field they will not wake up. I, therefore, request Government to give an assurance that they will do something for the women. Let them (women) be given a few seats from among the reserved ones.

The debate over the Bill has been going on for the last three days. In the course of this discussion it has been said again and again that the Hindus as a community have been ignored. I would never deny that, in Calcutta, Hindus are superior numerically and financially. It is also not good for the rich people to enjoy their wealth all alone. They should give something out of it to the poor also. It cannot do to refuse to share it with other communities. Then, if the number of seats allotted to them is compared with those given to other communities, it should not be said that their share has been small. This question of numerical inferiority which is being raised is not a new thing. Take for instance the seats of the Council and of the Assembly. How many seats should the Moslems have got? There should have been 140 seats for them in the Assembly, whereas they have got only 119. Of course Hindus also have not got seats in the Council and in the Assembly in proportion to their numerical strength. Who have got it? Those who are (our) temporary protectors—who are here to-day but will go away to-morrow—they are opportunists. The other day they lent support to Raja Bahadur's Bill. Raja Bahadur, by joining with them succeeded in defeating Government. Neither

Hindus nor Moslems have been given any advantage. As in the legislature, so also here, it is they who alone have been given the advantage. I cannot admit that Moslems have in any way profited by this Bill. Then again the question of joint and separate electorates has been raised. Certainly I admit that without competition no community, no individual can ever rise. Supposing there are only two students who are good while the rest are all bad; can those two boys ever compete? For, in that case they become self-important and do not mind their lessons. But with whom should you compete? With equals only. I am a patient suffering from rheumatism—if I am asked to measure strength with a strong man—can I win? The other day I went to witness the dog race. I saw that the strong dogs were kept in the rear while the comparatively weak ones were placed in the front. That is natural. In August last there was a running competition in our place. There I, an old man of 75, joined with youths aged from 25 to 40 years. I, infirm and old, was placed at the head of the row: because it was necessary to favour one who was weak. I do not think it will be wrong to say that so long as the Moslem community does not grow strong the continuance of separate electorate is essentially necessary. But the time is coming and that time is not far distant when Moslems also will not ask for separate electorate just as the Hindus do not want it now. Considering the amount of awakening that has come upon the Moslems and the manner in which they are marching forward they will very soon be in the front. I do not welcome separate electorate but for a few days now there is, I believe, some necessity for it. Another word. There is no time to speak much. Neither is it necessary.

Hon'ble the PRESIDENT: Order, order. Have you finished?

Khan Bahadur Maulvi MUHAMMAD IBRAHIM: I shall do so in 2 or 3 minutes.

Hon'ble the PRESIDENT: Very well. Finish it then.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: One word more and that is about nomination. I am always opposed to nomination. The system of nomination is never a good one. But I can say that there is a class of people who have no possibility of ever entering any municipality. There is a class of people who are said to be silent workers—who have no chance of entering the body. It is for them that nomination is necessary. But who are the persons that are nominated in most cases? Those who are financially well off get nomination. Those who deserve to get it, do not get it. It is generally they who are hand and glove with the high officials, give sumptuous dinners to District Magistrates and freely mix with them

that get nomination. This Bill has made one good provision. Nomination has been clearly provided in this Bill for people belonging to the depressed classes who have capacity to work but are unable to come into the municipality. I therefore support this system of nomination. Every form of nomination——

VII.—The Calcutta Municipal (Amendment) Bill, 1939.

(Speech delivered on 25th May, 1939, see page 573.)

Mr. MOAZZEMALI CHAUDHURY: Mr. President, it seems to me that the discussion on the Calcutta Municipal Bill which has been going on in this House for the last few days has, as it were, created the scene of Kurukshetra by means of words which are like arrows. I hope that this Kurukshetra where only arrows of words are used will not, through the joint efforts of my friends, be converted into an actual fight like the great battle of Kurukshetra. I would simply like to refer here only to one or two facts out of these which I have noted in the discussions during these four days. In connection with this I shall mainly and first of all deal with the mental attitude of my Hindu friends which has become manifest in regard to this Bill both inside this House and outside. The Hindu public in its entirety has come to believe that the Hindus have been ousted from their dominant position in the Corporation by means of the present Calcutta Municipal Act (Amendment) Bill. They have further come to have the idea that they have been reduced to a minority through the destruction of that supremacy of theirs and the depletion of their majority strength. The discussions of the last few days and the speeches delivered by the Deputy President, the Hon'ble the Chief Minister, my friend Humayun Kabir and the Hon'ble Mr. Suhrawardy have gone to prove that the Hindu majority has not in fact been reduced to a minority. They have been able, after a threadbare discussion of all the points, to show beyond doubts that in any case the Hindus will actually succeed in capturing 55 to 57 seats under the provisions of this Bill. It is, of course, true that in this Bill seats have not been allotted to them in proportion to their numerical strength. As for this, I would like to say simply this that although the seats have not been allotted to the Hindus on the population basis, yet these have not been given over to the Moslems. These have gone to the share of a third party, the European party. In regard to this I declare that the Government are really to blame if they have deprived the Hindus of their just share and at the same time I would like to request my Hindu friends that the manner in which they have been carrying on their agitation is in reality producing a different reaction in the minds of the Moslems. This will not, I think, lead to any very happy results. Now I want to place before you what thoughts the Bill has provoked among

the Moslems. As far as I remember, while presenting the Calcutta Municipal Act (Amendment) Bill, the first thing that was said, and that had in fact leaked out, was that the candidates nominated by the Moslem League had given an undertaking in the Election Manifesto of the League for introducing the 'Calcutta Municipal Act' (Amendment) Bill. This is quite true. But if we come to discuss why they had promised to introduce this Amending Bill, we find that during the last few years the Moslems placed before the Corporation claims for Corporation appointments which the Hindu councillors, *i.e.*, the Corporation did not accept. This the Moslems resented and as a result the Corporation Election was boycotted by them and thereafter the agitation culminated in the present development. I myself am at a loss to understand how through the instrumentality of this Bill the injustice done to the Moslems can be remedied, as also, how Moslems can get back their legitimate rights which have been denied to them. Indeed, I am absolutely unable to make it out. I am of opinion that if the Bill is passed in the form in which it has been presented, we shall not only not fail to secure our legitimate rights but the serious difference of opinion with the Hindus which has made its appearance will result in our being deprived of the rights which we have gained at present.

I shall now deal with those matters one by one. It is very true that whether in respect of contracts or in respect of services in the Corporation the Moslems are at present not actually getting all the concessions that they are entitled to. There is no gainsaying this and it also cannot be denied that the administration of the Corporation is full of various defects, nepotism, bribery, etc., are all there. In my opinion the present Bill has made no remedial provision for all this. I, therefore, stress the point that although this Bill has been introduced with a view to safeguarding the interests of the Moslems and to securing their legitimate rights, the conclusion that I have arrived at after thinking over the matter is that, in the first place, the number of seats reserved for the Moslems do not go to prove that the Moslems with the given number of their representatives will, as far as I can see, get any opportunity to do any work of the Corporation or to gain any supremacy or influence over it or to do anything they like. Those representatives who will go there through separate election, even if every one of the 22 representatives is as capable and competent as the Hon'ble Mr. Fazlul Huq, the Hon'ble Mr. Suhrawardy, or Mr. Jinnah himself, cannot at the time of voting in the Corporation Council exceed the fixed number of 22. However good speeches they may deliver, however much they may speak in this Chamber, however reasonable they may be, when the Government is run on party politics, all the members are, even if it be against their will, bound to vote for the Government whenever the intimation comes from the Chief Whips of the Government. Similarly, however much you may speak, however reasonable your words may be, if the Hindu community refuse to

follow them, the Moslem representatives in the Corporation cannot establish their viewpoint even by raising 44 hands in place of 22. If our 22 representatives are elected through the system of joint electorate that is in vogue at present, we shall be able to influence the election of the remaining 47 members to be elected from among the Hindus. For example, let us suppose that our friend Mr. Nares Mukherji stands as a candidate for Councillorship from his ward and another gentleman from the Hindu Mahashabha stands as his rival. If we think that the Moslem interests may be safeguarded by Mr. Nares Mukherji and if he comes to us and pledges to protect the interests of our community, we shall give our solid support to him. Thus, we can expect that in order to secure Moslem votes in the next election he will honour his pledge and speak on our behalf in the Council and support our legitimate demands. This is also borne out by facts. It is the Hindu Councillors who have moved resolutions for libraries, hospitals, clubs, etc., for the Moslems, and supported them and it is through their support that these resolutions have been carried. If the system of separate electorate is introduced to-day, the Moslems will not be required to go to either Mr. Nares Mukherji or the Hindu Councillors. Hence, we will lose the opportunity which we have of electing men of our choice from among the 47 Hindu Councillors. In case separate electorate is introduced, we shall also lose the opportunity which we at present enjoy, namely, that even the millionaires among the Hindus have, at the time of election, got to call at the place of the poorest amongst the Moslems. In fact, we are going to get no benefit out of the separate electorate. Through separate electorates the Moslems will never be able to influence more than 22 members. Yesterday, the Hon'ble the Chief Minister stated that the Corporation was being controlled by the Congress and that in consequence of this Bill most of the Hindus belonging to the Congress will not be returned to the Corporation. But among those who work under the Congress there are many good souls. There are also many who are sympathetic towards the Moslem cause. If in their place only communalist Hindus are elected, if the very word Moslem when uttered there and heard by them brings about a change in their attitude and if the civil administration is carried on by them, what opposition can the 22 Moslems set up against them? In these circumstance, what can they expect of them in the matter of service or contracts? If a Bill is actually brought forward to meet the cause which led the Moslems to agitate against the Corporation, no opposition will be made either by the Congress or by the Hindus. It is due to the indiscreet act on their part that such a situation has arisen. If on that occasion they could rise to the height of generosity and fulfil the demands of the Moslems, this situation would not have arisen to-day. Whatever may be the true type of Mussalman returned by you through the system of joint electorate, you are all aware that those who started the agitation for boycotting the Corporation had been elected to the Corporation through

the system of joint electorate. Had there not been the true Moslem spirit in them they would not have tried to boycott the Corporation. I do not subscribe to the view that the true type of Moslem is not elected through the system of joint electorate. Such a notion is quite wrong.

(Here the honourable member having reached the time-limit asked the Hon'ble President. May I get a little more time? I can then finish it.)

Mr. PRESIDENT: Please finish it very briefly.

Mr. MOAZZEMALI CHAUDHURY: My personal view is that the Moslem interests in Bengal will not be served by this Bill. On the contrary, it will injure Moslem interests. Unless the franchise is lowered the number of Bengali voters here will not increase any way. By our present voters up-country Moslems will be elected in greater numbers. The interests of these Moslems are to some extent different from those of the Bengali Moslems. How many Bengali Moslems are appointed by them in their big firms in Calcutta? The Hindus do not give us appointments in the offices, the Europeans do not engage us in their service, this is how we have been making our protests. But how many Bengali Moslems have secured jobs in the big firms of Haji Adamji Daud, Abdul Aziz, etc.? Hence, I am of opinion that in view of the fact that this Bill militates against the interests of the Bengali Moslems, it be circulated through various organisations with a view to ascertaining the opinion of all classes of the Bengalis. Even if this Bill is passed here, the Hindus will always maintain a majority in the Corporation. If cent. per cent. of the members on the Select Committees to be appointed by their elected representatives are taken from among the Hindus, nobody will be there to prevent it. Of course, it is through their favour that 3 Moslems members are elected now, but the system of separate electorate will deprive them of this opportunity.

VIII.—Privilege Motion based on newspaper comments on the conduct of members of the Council.

(Speech delivered on 1st June, 1939, see page 630.)

Maulana MUHAMMAD AKRAM KHAN: Sir, I wholly support the case for referring the matter to the Privileges Committee. The unjust and unreasonable criticisms made against my paper, especially those by Professor Humayun Kabir, leave the impression that my critics have passed the sentence of death, even before there has been a trial. Mr. President, if I am given an opportunity to make a representation before the Privileges Committee, I shall be able to convince all concerned that every letter of what has been written in my paper is quite

true and I am prepared to give an undertaking that I shall bow down to whatever decision the Privileges Committee may take. But I would like to point out that any arrangement for inflicting punishment before trial.....(point of order by...)

IX.—The Calcutta Municipal (Amendment) Bill, 1939.

(Speech delivered on 14th June, 1939, see page 671.)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Sir, I shall speak only about the nomination of women. I cannot properly make out whether Indian Christians, Jews and Parsis should have their representatives in the Calcutta Municipality. But this is quite clear to me that at present female representatives are specially needed. Had not the motion of Maulvi Abdul Hamid been carried, perhaps, there would have been no occasion to-day for raising this question here. I enquired of the Hon'ble the Chief Minister about this matter and he gave me the assurance that he would give nomination to one Hindu and one Moslem lady. Hence, had there been the provision for giving nominations to 8 persons, there would have been no necessity for bringing in this question here. If anybody has created the mischief in respect of this matter, it is Abdul Hamid Saheb who has done this by bringing forward that motion. Be that as it may, the proposal that has at present been made for the seats of women is quite worthy of our support. For, there is no sense in leaving the women behind. Not to speak of the ladies in Calcutta, even the ladies in our mufassals have now so far qualified themselves as to be quite fit to come to municipalities as rate-payers' representatives. Although I do not see my way to supporting what occurs in other portions of this motion, yet, I support the proposal for having female councillors in the Calcutta Corporation. Since Miss Bose who offered herself as a candidate, has failed to win the election, it has become specially necessary to nominate women councillors to the Calcutta Corporation.

X.—The Calcutta Municipal (Amendment) Bill, 1939.

(Speech delivered on 14th June, 1939, see page 673.)

Mr. MOAZZEM ALI CHAUDHURY: Sir, I support this motion of the Raja Bahadur. In the first place, I am of opinion that the very objection raised by Mr. Roy Chaudhuri constitutes the reason why this motion should be supported. For, he has said that the Chairman of the Improvement Trust has all along been in the Calcutta Corporation and will continue to do so in future. In these circumstances I do not think that there will be any objection to its being clearly mentioned in the Bill. Secondly,

considering the situation in the country to-day it does not appear to me that there is the slightest difference of opinion amongst ourselves in regard to the matter that women's claim in the Calcutta Corporation is quite worthy of our support. For, when they have been given the right of representation in the Bengal Assembly and the Bengal Council, there can be no reason why it should be withheld in respect of the Calcutta Corporation. Apart from this, now-a-days, we find barristers and Magistrates among the womenfolk. We have also found proof of women being qualified to hold the office of a Minister. We have also accepted the proposition that they are fit to preside over the session of either the Legislative Council or the Legislative Assembly. All this time we have declared that we are always prepared to give women a share of all the rights so long enjoyed by men in all matters. Hence, I do not think there is any reasonable cause for turning down or objecting to the motion brought forward by the Raja Bahadur in respect of the Calcutta Corporation. The claim of women for representation in an institution like the Calcutta Corporation is, I hold, worthy of every support.

Thirdly, I think there can be no two opinions in regard to the matter that minorities like the Indian Christians, Jews, Buddhists, Parsis, etc., should have their representatives in the Calcutta Corporation. The Hon'ble Minister has said that the hands of the Government should be left entirely free. Perhaps, there is some truth in it. But I am of opinion that in regard to matters concerning nomination no better motion than the one already moved can be brought forward. In it provision has been made for giving representation to all the minorities and at the same time the relation obtaining between the Calcutta Corporation and the Improvement Trust has been maintained intact and the Chairman of the Improvement Trust has been allowed to retain his seat in the Corporation. I think no better provision than this is possible for the Government to make. I am, therefore, of opinion that the House should accept the motion of the Raja Bahadur.

XI.—The Calcutta Municipal (Amendment) Bill, 1939.

(Speech delivered on 15th June, 1939, see page 702.)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: I cannot but wholeheartedly support all those amendments that have been moved with a view to secure representation for women. I will not pay the slightest heed to any obstacle that may confront me as the result of this attitude of mine. I know a lot of propaganda may be started against me both here and in my constituency, but I shall stick to this principle undaunted by those sinister attempts. But I am sorry to find that in the amendments which were moved yesterday and to-day in this connection some extraneous matters have been brought in. For example, the proposal to secure better representation for the

minority communities and also the Calcutta Improvement Trust have been tagged on to some of the amendments urging adequate representation being given to the women of Calcutta. I cannot understand why these issues should be mixed up with the question of securing proper representation for women. As a matter of fact, my own idea is that if all the different minority interests are to be done justice to, the total strength of the Corporation Council will have to exceed even 500. It is almost impossible to provide for satisfactory representation of each and every minority interest. I am therefore quite willing to support that portion of the amendment which relates to the question of granting representation to women. I am really at a loss to understand why this question has been mixed up with other issues.

XII.—Adjournment Motion relating to control of Library of the Provincial Legislature.

(Speech delivered on 16th June, 1939, see page 737.)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Sir, we are members of the Upper House. There is a saying which runs as follows:—"A milkman in name but has nothing better to drink than sour rice-water." That is, though born in the family of a milkman one finds no better thing, not even butter-milk, than sour rice water with which to satisfy one's craving for a taste of curds. The members in the Upper House are also in the same position. They have neither a room of their own, nor a House, nor even a Minister. Had there been a minister from among the members of the Upper House, I think, they would not have found themselves in a sad predicament like this. We often come across many members of the Assembly who may cut jokes with us in the following way—"Well, this House is called the Assembly House, we can easily turn you out from this place". Although this is said in joke, yet, it is quite apparent that they are fully alive to the fact that all the ministers have been appointed from their House and from their ranks. It is for this reason that they find strength in their back-bones. Our back-bones are weak. No minister is on our side. There is, therefore, none to speak on our behalf. This is why everybody takes us for outsiders. To-day, the question of the library has been raised. The members of the Upper House have no control over the library and no right either. This is the reason why they suffer so much. But the ministers are not to blame for this. It is the members of the Upper House who are at fault. They pay no attention to the matter. They do not try for unity among themselves. If they make a united effort to redress their grievances and to remedy the said plight they are in, an easy solution may be found of all these troubles.

Why take the case of the library alone,—there are many things in regard to which it may said that the members of the Upper House have

no *locus standi*, no right or power. They have no authority over this House. For, this is called the "Assembly House". A proposal was afoot to have separate Houses for the two chambers of the legislature. Many things may be said on this subject too. There can be no two opinions that this motion on the library is highly judicious.

XIII.—The Calcutta Municipal (Amendment) Bill, 1939.

(*Speech delivered on 28th June, 1939, see page 945.*)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: Mr. President, this Bill would have been disposed of in some way or other long ago, had not the motion of Abdul Hamid Saheb been carried. I do not think that he moved it with any bad intention. Rather, he did so with the best of intentions. For, he is a Musalman. As a Moslem he wanted to have more seats for the Moslems. His motion having been carried, the number of Moslems in the Corporation may increase from 22 to 23. This was one of his main objects. Hence, he had no evil object in view. There was another object,—this was not to oppose the Government Bill. For, Abdul Hamid Saheb in his motion gives to the Scheduled Castes the three seats which Government have proposed to give them. But there is this difference that in place of nomination election has been suggested. Government want to give nomination while Abdul Hamid Saheb has recommended election. In these days of democracy nobody looks upon the system of nomination with a favourable eye and it is commonly held that the system of nomination is a defective one. There is also no dearth of instances. While the Government of India Act was framed in 1935, many men from this country as well as many men of England joined together to frame it. But why do we find no provision of nomination in it for any single member out of the 250 in the Assembly? Everybody has realized what the effect of nomination is. In this House, too, nominaion is given to only 6 out of 63 members. Thus Abdul Hamid Saheb, too, meant well. He has realized in his heart of hearts how very evil the effect of the nomination system is. Here, too, there is no dearth of instances. The Bogra Municipal election took place ten months back from now, but the Hon'ble Minister has not been able to nominate anybody as yet. And why? Because, whom to select and whom not to select has been the main problem before him. Whose advice would he accept? On the one side there is Khan Bahadur and on the other Dr. Mafizuddin. Then again, Bogra is not the solitary example. For the last one year and a half the Hon'ble Minister has not been able to give nomination to anybody at Dinajpur. There, too, he cannot decide whom to placate. On the one side there is Jatindra Mohan's party, on the other there is the party of Kader Bux. It is easily understood how worried the Hon'ble Minister feels, having been sandwiched between the two opposing parties. Had not the system of nomination been there, the

Hon'ble Ministers would not have had to encounter so much difficulty. They could have breathed with some ease. Having attempted to strike at the nomination system to-day, Abdul Hamid Saheb has courted condemnation, not only from the councillors but also from the people of the country. Public opinion depends on the views expressed through the columns of a two-pice daily like *Azad*, *Ananda Bazar Patrika* or *Basumati*. Members of the public themselves do not go to the depth of anything. Has Abdul Hamid Saheb fallen into a temptation and thereby courted condemnation from the people? Having attempted to remedy a very bad system like the nomination system, he has come to grief. But I hoped that the Calcutta Corporation being an ideal institution in Bengal, this system of nomination would be abolished there, and the municipalities in other districts of Bengal would follow suit. But I do not know whether Abdul Hamid Saheb's motion, although carried, will stand or not. I have voted against it. For, I have my name entered on the Coalition Party rolls. (Mr. RANAJIT PAL CHOUDHURY: Please have it struck out.)

Now, in regard to this Bill my next point is about the women. I have already remarked that the Calcutta Corporation is an ideal institution. But, unfortunately for us, no provision has been made for the representation of our women in that ideal institution. I can proclaim with a loud voice that both among the Hindus and the Moslems in Calcutta there are educated women of such high standing that even men can sit at their feet and receive instruction. In Calcutta their name is legion. And I believe that even some of the best members of this House have yet to take lessons from those women. Perhaps, the Hon'ble the Chief Minister will say that he will give nomination to them. I have already dealt with the difficulty that lies in the way of nomination. Moreover, in the case of nomination they will have to depend on the favour of the Ministers. But why should they be regarded as inferior as that? Where are they wanting in education and culture? Then again, probably half the population of our country is female. Just as a bird cannot fly with one wing, when one of the two of its wings is broken, similarly our body politic will be crippled if we fail to make our women fit and strong. We shall not be able to rise and move forward. Hence, women must be awakened. No matter whether in the field of politics or elsewhere, they must be awakened. Can anybody point out in what respect the work done by Mrs. Jyotirmayee and Mrs. Kumudini Bose, who were elected councillors of the Corporation, has been inferior to that done by men. I have already pointed out that so far as education and culture is concerned they are rather superior to many members of this Council. Hence, with their sex left out of account, this Calcutta Municipal Act (Amendment) Bill has become incomplete. Be that as it may, what is done cannot be undone. I now request the Hon'ble Minister that out of the seats yet to be filled up by nomination, two may be assigned to women.

I do not think much remains to be said about the joint and separate electorates. Of course, the Congress Party supports joint electorate. I am also of opinion that no nation, community or country can make any progress in the absence of competition. But we have also to consider the point as to whom are we going to compete with? If a feeble old man like me is called upon to measure his strength with a strong young man, is there any chance of my success? Never. Hence, I cannot support the idea of competition at present. In connection with dog racing I said the other day that the strongest and the best of the dogs was placed last, the next in quality ahead of it and so on till the weakest of the lot was placed ahead of all. Otherwise, no competition can take place. Here, too, if the joint electorate is introduced the weak cannot succeed against the strong. But I predict that a day will come when it is the Hindu community that will demand separate electorate, while the Moslems will go in for the joint electorate. I think, that day is very near. I believe it from the very bottom of my soul. I do not want to say anything more.

XIV.—The Calcutta Municipal (Amendment) Bill, 1939.

(*Speech delivered on 28th June, 1939, see page 947.*)

Maulana MUHAMMAD AKRAM KHAN: Mr. President, I shall make a very brief speech. In the discussions held on the Calcutta Municipal Act (Amendment) Bill, during the past weeks, very little reference was made to the peculiarities, merits and demerits of the various sections and sub-sections of the Bill. But all the time was taken up in discussing the various aspects of political philosophy and its interpretation, commentary, etc. I think it is not necessary to give any reply to all that. (A member from the Congress Group: Why please?) The reason is that it has nothing to do with the Bill. Moreover, in order to give a reply it is necessary to get a professor who has devoted his time to the study of that philosophy. (The Hon'ble Mr. NALINI RANJAN SARKER: There is a professor here.) (Dr. RADHA KUMUD MOOKERJI: We want the reply.)

Hon'ble the PRESIDENT: Order, order.

Maulana Muhammad AKRAM KHAN: In the first place, a very important aspect has been touched upon in this long discussion,—especially, Professor Radha Kumud Mukharji has in connection with that aspect repeatedly mentioned the word communal. According to him, this Bill is communal, the Hon'ble Ministers are communal, even the parties supporting the ministry are wholly affected with the virus of communalism. The point is, perhaps you are all aware, that there was a sage called Rishyasringa. In his court (*sic*), in connection with

a matter, most probably, a current and popular verse or something like that,—the first portion of which I shall not cite here, because, it will be out of place. I shall only quote the following—"আত্মবৎ মন্যতে জগৎ". That is to say, people take a view of the world coloured by their own mentality. Our professor, too, sees throughout the world the same communal virus which permeates him both internally and externally. It occurs in the Vaishnava Sastras, of course, I emphatically cite it, that as soon as the flute is sounded, Sri Radha says—"Well, the flute is played, but is it in the woods or in my mind?" It is not in the woods but in the mind where the flute is sounded. But its notes resound throughout the forest. Sri Radha thinks it is sounded in the woods but that is not so. It is sounded in the mind itself. (Dr. RADHA KUMUD MOOKERJI: Why are you going to be separate?) Am I separating? No, I am already separate. We are not separating ourselves to-day. In ideas, language, thoughts, culture, religion and in every other respect we are separate. We say "pani" and this is why the word has taken on a communal odour in the Bengali literature. But "pani" is a Sanskrit word. Inasmuch as the Moslems use the word "pani", elaborate attempts are made in the addresses delivered in big conferences in Bengal to show that the odour of the onion and the garlic is imported through the use of this word. It is not in literary Conferences alone, but also, in newspapers that discussions are held on the subject. Hence, in theory, language, thought, literature and every other respect we are already separate. If a time comes when we shall find that we are not separate, we shall not try to separate ourselves. The thing which is naturally present cannot be removed the moment we say "it is not". (Mr. S. N. SANYAL: We have our meals on the obverse side of the plantain leaf, while you do it on the reverse.) My friend says that while taking meals they keep the obverse side of the plantain leaf up and we the reverse one. The difference lies in the angle of vision. We thus find that even my friend of the Congress group sitting by my side supports my view. (The speaker referred to Mr. S. N. Sanyal who was then sitting on the bench occupied by the Maulana.) A plantain leaf is a gift to us by Nature herself. Even with regard to this, one takes one's meal on one side of it and the other on the other. Hence, the difference is there. What you call reverse is in my eyes obverse. And what is obverse in my eyes appears to be reverse to you. It is therefore proved that there is difference. Next comes communalism. There is such a thing as community. There is the Moslem community, as also, the Hindu community. One should not practise self-deception or have recourse to duplicity. So long as Hindus, Moslems, Buddhists, Christians, etc., maintain their separate existence in Bengal and India, communalism will be there. But communalism is to be condemned only when it becomes aggressive to others. As a Moslem I shall look to the interests of the Moslems and try to

advance their [illegible] similarly, a Hindu will look to the interests of the Hindus, and Christians and Buddhists to those of their communities respectively. Hence, I find it signifies nothing to make use of the word communalism in season and out of season. Whenever I find that there is no reason or proof to fall back upon the opposite party cry out—"You are supporting communalism. You are supporting Imperialism."

This mention of Imperialism reminds me of another thing. Hon'ble Abdul Karim Saheb has said that in 1765(?) the British authorities took over the reins of the Government of Bengal from the Moslems. Now that the time for returning them has come, they should be made over to the hands of the Moslems. I have a little submission to make on this point. I often find the Moslems say—"The English have taken over India from our forefathers, hence we have the greater claim on them". Again, the Hindus say—"When the English took into their own hands the reins of the Government of India, the Moslem Empire had practically fallen to pieces and the influence and authority of the Hindus had been brought to bear on the administration of India. The English therefore took over the reins of Government from the Hindus and not from the Moslems." I call this a rivalry in cowardice. Such cowards were the forefathers of the Hindus, as also, of the Moslems that an alien people like the English hailing from abroad slapped them on the cheek and snatched away the Government of India or of Bengal from their hands. This I think is not a matter of pride for anybody among us. My friend Mr. Pal Chaudhury stated with regret that while the Europeans in certain provinces supported the Congress party, here they did not back it. But he should realize that they were giving their support not to the Congress but to the powers that be and the authority wielded by them. In those provinces power now lies in the hands of the Congress. In Bengal it lies in our hands and therefore they support us.

Authorised English translation of supplementary questions put by Maulvi Muhammad Ibrahim at the meeting of the Council on the 7th July, 1939, in connection with Question No. 125 and answers thereto.

Khan Bahadur Maulvi MUHAMMAD IBRAHIM: Is Khan Bahadur Muhammad Ali the Chairman of the Bogra District Board?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Khan Bahadur Maulvi MUHAMMAD IBRAHIM: Is it a fact that on the pretext of distributing the money, the Chairman and the members of the District Board had it divided amongst themselves?

If the Chairman has thus appropriated the money, would the enquiry to be made by him be a proper enquiry? And would any enquiry be instituted by the Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY answers in English.

Khan Bahadur Maulvi MUHAMMAD IBRAHIM: I cannot follow your English quite well.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government advanced the money to the District Board. But his allegation that the Chairman of the District Board and Khan Saheb Rejab Ali Khan(?) had the money divided between themselves is not true. Government are aware that the officers of the District Board have properly spent the money given to the District Board. District Board is a self-governing institution. Hence, Government are of opinion that the Chairman of the District Board is the right person to hold the enquiry on the matter.

Khan Bahadur Maulvi MUHAMMAD IBRAHIM: I am aware that the Chairman of the District Board and the members took the responsibility of disbursing the amount. Hence, I do not believe that an enquiry like that will be an impartial one. I, therefore, beg to enquire whether Government would institute an enquiry to be conducted by officials and non-officials.

The Hon'ble Minister replied in English.

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Speech by—opposing the amendment of Raja Bahadur of Nashipur to clause 7 of the Bengal Finance Bill. Pages 291-292.

Sarkar, the Hon'ble Mr. Nalini Ranjan— *concld.*

Speech by—opposing the amendment of Lalit Chandra Das to clause 3, sub-clause (*1*) of the Bengal Finance Bill. Page 274.

Speech by—opposing the amendment of Khan Sahib Abdul Hamid Chowdhury to clause 3, sub-clause (*1*) of the Bengal Finance Bill. Pages 269-270.

Speech by—in closing the debate on his motion that the Bengal Finance Bill, 1939, as settled in the Council, be passed. Pages 317-320.

Speech by—on the motion of Rai Bahadur Keshab Chandra Banerjee that clause 7 of the Bengal Finance Bill be omitted. Pages 287, 288 and 289.

Statement by—regarding the amendment of Mr. Naresh Nath Mookerji to Rule 2 of the Draft Rules of the Council. Pages 996-997.

—Suggests that in the matter of allotment of days for discussion of motions under section 118 of the Rules and Standing Orders address should not be presented to His Excellency the Governor but to the Government of Bengal, and assures that if the new rules which are likely to come up for approval are passed, there will be no difficulty for allotment of days. But if the rules are not passed, then two days can be allotted. Page 397.

Sarker, Rai Sahib Indu Bhusan—

Speech by—on the motion that the Calcutta Municipal Amendment Bill, 1939, as settled in Council, be passed. Pages 944-945.

Question by—regarding District Sub-Registrar of Howrah. Page 962.

—moves amendment to clause 3, sub-clause (*3*) of the Bengal Finance Bill. Pages 277-278.

—withdraws his amendment to clause 3, sub-clause (*3*) of the Bengal Finance Bill. Page 278.

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Scott-Kerr, Mr. W. F.—

Speech by—on the Calcutta Municipal Bill, clause 5. Pages 873-875.

Speech by—in opposing the amendment of Mr. Lalit Chandra Das to sub-clause (1), clause 3, of the Calcutta Municipal Amendment Bill, 1939. Page 810.

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Sen, Raj Sahib Jatindra Mohan—

—moves amendment to clause 3, sub-clause (3) of the Bengal Finance Bill. Page 281.

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—supports resolution for opening out railway embankments running through Nadia, Murshidabad, and Jessore districts that get inundated during the rainy season. Pages 78-79.

Speech by—on the amendment of Mr. Humayun Kabir to clause 4 of the Calcutta Municipal Amendment Bill, 1939. Pages 775-776.

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Singh Ray, the Hon'ble Dr. Bijoy Prasad—

Amendment moved by—to Rule 27 of the Draft Rules of the Council. Pages 1062-1063.

—gives notice of some amendments to the Bengal Rural Poor and Unemployed Relief Bill, 1939. Page 357.

—moves for the circulation of the Bengal Public Demands Recovery (Amendment) Bill, 1937. Pages 362-364.

—moves that the Indian Stamps (Bengal Amendment) Bill, 1939 be taken into consideration. Pages 356-357.

—moves that the amendments made to the Bengal Tanks Improvement Bill, 1938, by the Bengal Legislative Assembly be taken into consideration. Page 954.

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Observations by—on his amendment to Rule 27 of the Draft Rules of the Council. Page 1065.

Observations by—on the amendment of Mr. Nur Ahmed to Rule 23 of the Draft Rules of the Council. Page 1033.

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Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur—

—moves amendment to clause 1 of the Bengal Finance Bill. Pages 242-243.

—moves amendment to clause 7 of the Bengal Finance Bill. Pages 289-290.

—moves amendment to sub-clause (2) of clause 3 of the Calcutta Municipal Amendment Bill. Page 711.

Obituary reference made by—to the late Maharaja of Santosh. Pages 6-7.

Point of order raised by—as to whether the Bengal Finance Bill, 1939, could be taken up for discussion that day as notice of intention to move the Bill was given only 6 days ago and not clear 7 days ago, according to section 83 of the Council Rules. Pages 165-166.

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Point of order raised by—whether Government Bills of which notices were given that day could be discussed on the 8th May in view of Rule 83 which required clear 7 days' notice. Page 85.

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Speech by—on the Privilege Motion regarding articles in the *Ananda Bazar Patrika* and *Hindusthan Standard* of the 5th May, casting reflections on the Chair. Pages 160-161.

Speech by—on the Calcutta Municipal (Amendment) Bill, 1939 as sent back by the Assembly. Pages 1054-1055.

Speech by—in support of the amendment of Mr. Lalit Chandra Das to sub-clause (2) of clause 3 of the Calcutta Municipal Amendment Bill. Pages 700-701.

—supports resolution for opening up railway embankments running through Nadia, Murshidabad and Jessore districts that get inundated during the rainy season. Pages 76-78.

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Singh, Raja Bahadur Bhupendra Narayan, of Nashipur—*concld.*

—moves amendment to sub-clause (2) of clause 3 of the Calcutta Municipal Amendment Bill. Page 714.

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Speech by—in supporting the motion for circulation of the Calcutta Municipal (Amendment) Bill, 1939. Pages 497-500.

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supports resolution for opening up railway embankments running through Nadia, Murshidabad and Jessore districts that get inundated during the rainy season. Pages 79-80.

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—opposes the amendment of Mr. Humayun Kabir to sub-clause (2) of clause 3 of the Calcutta Municipal Amendment Bill. Page 712.

—opposes the amendment of Mr. Lalit Chandra Das to clause 4 of the Calcutta Municipal (Amendment) Bill, 1939. Page 781.

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—requests the permission of the President to allow him in the absence of the Hon'ble Nawab of Dacca to move the motion standing in the Hon'ble Nawab's name, namely, the Calcutta Municipal (Amendment and Validation) Bill, 1939. Page 320.

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